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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

ADMINISTRATION OF CHILD  
LABOR LAWS

PART 2

EMPLOYMENT-CERTIFICATE SYSTEM  
NEW YORK

By

HELEN L. SUMNER and ETHEL E. HANKS



INDUSTRIAL SERIES No. 2, Part 2  
Bureau Publication No. 17



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1917

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### Annual Reports:

Third Annual Report of the Chief, Children's Bureau, to the Secretary of Labor, for the fiscal year ended June 30, 1915. 26 pp. 1915.

Fourth Annual Report of the Chief, Children's Bureau, to the Secretary of Labor, for the fiscal year ended June 30, 1916. 27 pp. 1916.

### Care of Children Series:

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No. 5. A Tabular Statement of Infant-Welfare Work by Public and Private Agencies in the United States, by Etta R. Goodwin. 114 pp. 1916. Bureau publication No. 16.

No. 6. Infant Mortality: Results of a field study in Manchester, N. H., based on births in one year. Beatrice Sheets, Duncan and Emma Duke. Bureau publication No. 20. (In press.)

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No. 1. Child-Labor Legislation in the United States, by Helen L. Sumner and Ella A. Merritt. 1131 pp. 2 charts. 1915. Bureau publication No. 10.

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Separate No. 55. Text of Federal Child-Labor Law. 1916.

No. 2. Administration of Child-Labor Laws:

Part 1. Employment-Certificate System, Connecticut, by Helen L. Sumner and Ethel E. Hanks. 69 pp. 2 charts. 1915. Bureau publication No. 12.

Part 2. Employment-Certificate System, New York, by Helen L. Sumner and Ethel E. Hanks. 164 pp. 3 charts. 1917. Bureau publication No. 17.

No. 3. List of References on Child Labor. 161 pp. 1916. Bureau publication No. 18.

[Continued on third page of cover.]

U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

ADMINISTRATION OF CHILD  
LABOR LAWS

PART 2  
EMPLOYMENT-CERTIFICATE SYSTEM  
NEW YORK

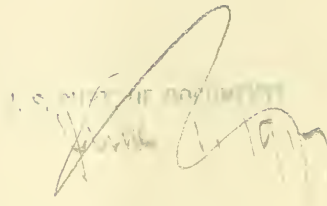
By

HELEN L. SUMNER and ETHEL E. HANKS

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GOVERNMENT PRINTING OFFICE  
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## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,

*Washington, D. C., October 9, 1916.*

SIR: I transmit herewith a study of the administration of the New York State child-labor law with especial reference to the employment-certificate system. This is the second in the series of comparative studies of the administration of child-labor laws designed to bring out a standard method.

The law upon which the system here described is based differs in many important respects from that which furnishes the foundation for the methods described in the first report of the series, that on Connecticut.

Acknowledgment should be made of the cooperation of the Federal Commission on Industrial Relations in part of the preliminary field work for this report. The series of studies is under the direction of Miss Helen L. Sumner, the assistant chief of the bureau, who has been assisted in this report by Miss Ethel E. Hanks. Especial mention should also be made of the efficient editorial services of Mr. Howard C. Jenness.

Respectfully submitted.

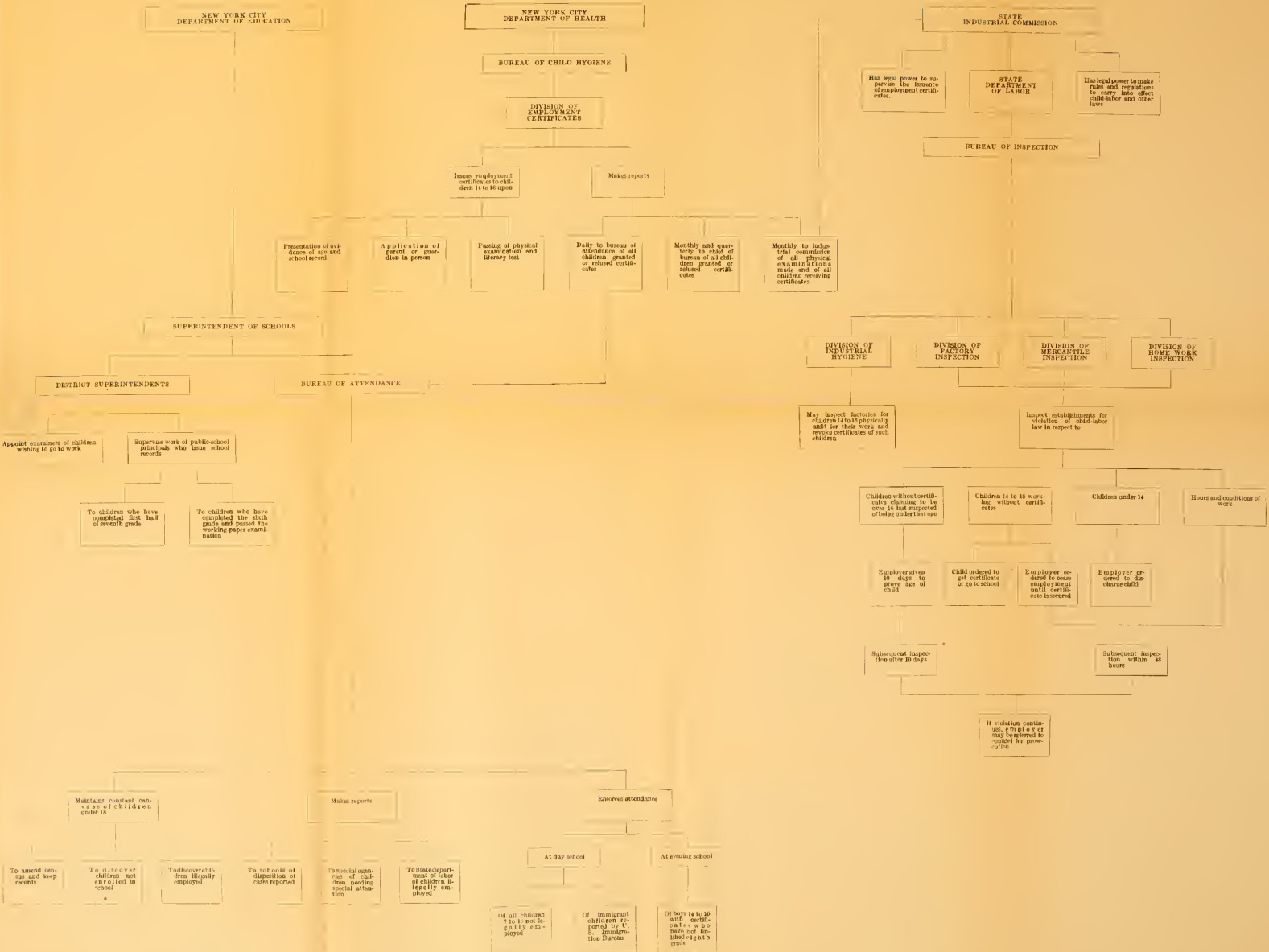
JULIA C. LATHROP, *Chief.*

HON. W. B. WILSON,  
*Secretary of Labor.*





# ADMINISTRATIVE AGENCIES AND THEIR FUNCTIONS, NEW YORK CITY





# ADMINISTRATION OF THE EMPLOYMENT-CERTIFICATE SYSTEM IN NEW YORK.

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## INTRODUCTION.

The child-labor and employment-certificate laws of New York State differ in many important respects from those of Connecticut, described in the first report of this series. In both States 14 years is the minimum age and children from 14 to 16 must secure certificates before they can be employed legally; but in Connecticut the law is State wide in its application, whereas in New York various sections are in force in cities and villages of different sizes. In Connecticut the list of places of employment covered by the law includes "mechanical" establishments, and this term is held to bring under its provisions practically all child laborers except newsboys and children employed in agricultural pursuits and in domestic service.<sup>1</sup> In New York, on the other hand, different lists of places of employment to which the law applies are given for cities and villages of different sizes, but no list includes any general term which can be held to cover occupations not specifically mentioned.<sup>2</sup>

In New York State employment certificates issued by local health authorities must be obtained by children from 14 to 16 years of age as a condition of employment:

A. At any time,

1. In any place in the State in—

Factories.<sup>3</sup>

Mercantile establishments.

Business offices.

Telegraph offices.

Restaurants.

Hotels.

Apartment houses.

Distribution or transmission of merchandise or messages.<sup>4</sup>

---

<sup>1</sup> U. S. Children's Bureau. Employment Certificate System, Connecticut. Bureau publication No. 12, p. 8.

<sup>2</sup> The exact application of the minimum-age and employment and school-record certificate provisions of the New York laws is discussed in the Appendix, pp. 111 to 115.

<sup>3</sup> Labor Law, sec. 70; Education Law, sec. 626. For the text of these sections see pp. 120, 126.

<sup>4</sup> Education Law, sec. 626. Labor Law, sec. 162, requires certificates only in places of 3,000 inhabitants or more in mercantile establishments, etc. For the text of these sections see pp. 126, 124.

## A. At any time—Continued.

2. In cities and villages having a population of 3,000 or more in—

Theaters.<sup>1</sup>

Places of amusement.

Bowling alleys.

Barber shops.

Shoe-polishing establishments.

Distribution or transmission of articles other than merchandise or messages.

Distribution or sale of articles.<sup>2</sup>

3. In first and second class cities in—

Any other occupation.<sup>3</sup>

## B. During school hours,

1. In places, other than first and second class cities, having a population of 5,000 or more in—

Any other occupation.<sup>4</sup>

The New York law also requires children from 14 to 16 years of age to obtain "school-record certificates" from local school authorities as a condition of employment at any time, in any place, and in any occupation where employment certificates are not required.<sup>5</sup>

To obtain a school-record certificate a child is not required to produce the same evidence of age or to meet the same physical requirements as to obtain an employment certificate. For an employment certificate the labor law specifies carefully the required evidence of age, whereas for a school-record certificate the education law does not state what kind of evidence is acceptable, but merely requires that the child shall be over 14 and that the record shall contain the date of his birth "as shown on the school record." A physical examination is required, as will be seen, for an employment certificate but not for a school-record certificate. The educational requirements are the same<sup>6</sup> for both. In practice, as children are required frequently, if not generally, to secure employment certificates before having their names taken from the school registers, the school-record certificate is of little importance except as a prerequisite to an employment certificate. For this reason no special attention is given in this study to the school-record certificate as distinguished from the school record discussed under "Educational requirements."

<sup>1</sup> Children taking speaking parts in theatrical performances are not affected by this provision but are covered by Penal Law, ch. 40, art. 44, sec. 485 as amended by 1916, ch. 278.

<sup>2</sup> Labor Law, sec. 162. For the text of this section see p. 124.

<sup>3</sup> Education Law, sec. 626. For the text of this section see p. 126.

<sup>4</sup> Education Law, sec. 621. For the text of this section see p. 125. For definition of cities of different classes, and of villages and towns, see footnote 7, p. 112.

<sup>5</sup> Education Law, secs. 624 and 626. For the text of these sections see pp. 125, 126.

<sup>6</sup> Education Law, sec. 630, and Labor Law, secs. 73 and 165. For the text of these sections see pp. 127, 122, 124.

The requirements for obtaining certificates are notably higher in New York than in Connecticut. The evidence of age to be produced is carefully specified in the law instead of being left to the discretion of the administrative authorities as in Connecticut. The educational standard is completion of the sixth<sup>1</sup> instead of the fifth grade, as is practically the requirement in Connecticut. But most important of all, every child from 14 to 16 years of age who applies for a certificate in New York is required by law to undergo a physical examination, whereas in Connecticut only children who appear physically unfit are subjected to any physical test.

In New York, as in Connecticut, the mere possession of a certificate to work does not exempt a child from school attendance; he must be actually at work. To be exempt from school attendance in New York, indeed, a child 14 to 16 years of age not only must hold an employment or school-record certificate but must be "regularly and lawfully" engaged in some "useful employment or service."<sup>2</sup> This does not necessarily mean that the child must be engaged in remunerative work. Either an employment certificate or a school-record certificate acts as a permit to stay out of school to engage in "any useful employment or service," for example, to help in the housework or in the care of the baby at home. The parent is responsible for the school attendance not only of a child who has no certificate but also of a child who, though he has a certificate, is not "regularly engaged in any useful employment."

One fundamental difference, however, is to be noted between the employment-certificate system of Connecticut and that of New York. In Connecticut the certificate must be delivered by the issuing officer to the employer; the employer must notify the issuing office of both the commencement and the termination of the child's employment; and the child must secure a new certificate for each separate employer.<sup>3</sup> In New York, on the other hand, on the application of the parent or guardian and after fulfillment of the requirements, the employment certificate is given to the individual child; it is regarded as his property and authorizes any employer to employ him subject to the other regulations of the law. In addition to the date and place of birth of the child and a statement to the effect that the required papers have been duly examined, approved, and filed, and that the child has appeared before the issuing officer and been examined, it must contain, for the purpose of identification, the child's signature and a description consisting of the color of his

<sup>1</sup> After Feb. 1, 1917, the standard for children under 15 will be completion of the eighth grade. Acts of 1916, ch. 465. For the text of this act see pp. 132-133.

<sup>2</sup> Education Law, secs. 621 and 624. For the text of these sections see pp. 125, 126.

<sup>3</sup> The parent has a copy of the certificate which the child can use temporarily, but this copy is clearly marked "For parent; not good for employer longer than one week." U. S. Children's Bureau. Employment Certificate System, Connecticut. Bureau publication No. 12, p. 16.



hair and eyes, his height, weight, and any distinguishing facial marks.<sup>1</sup> While the child is employed the certificate must be kept on file by the employer in the place of employment and must be shown on demand to inspectors of the department of labor or to attendance officers,<sup>2</sup> but when the employment ceases the employer merely gives the certificate back to the child.<sup>3</sup> He is not required to notify any public authority either that he has employed the child or that the child's employment has ended.

In addition to keeping employment certificates, every employer covered by the New York labor law—i. e., operating a factory anywhere in the State or conducting, in a city or village with a population of 3,000 or more, a mercantile or other establishment mentioned in the labor law—must keep a register containing the name, address, birthplace, and age of every child under 16 employed in his establishment. This register, like the certificate, is open to inspection by agents of the department of labor and by attendance officers.<sup>4</sup>

The other important provisions relating to child labor, in the enforcement of which employment certificates may be used as evidence of age of certain children to whom the law applies, establish in New York decidedly higher standards than in Connecticut. Whereas in Connecticut children under 16 are permitted to work 10 hours a day, in New York they are permitted to work only 8 hours a day for not more than 6 days a week, such hours to be between 8 a. m. and 5 p. m. in factories and between 8 a. m. and 6 p. m. in mercantile establishments.<sup>5</sup>

The list of dangerous occupations and industries in which children under 16 are forbidden to engage is also much longer and more complete in New York<sup>6</sup> than in Connecticut.

So far as the administration of the employment-certificate law is concerned, however, the most important difference between Connecticut and New York is that in the former one State agency and in the latter two local agencies and two State agencies are concerned in its enforcement. The centralization of administrative power in Connecticut and its diffusion in New York have far-reaching consequences throughout the employment-certificate systems of the two States.

The Federal census statistics of child labor in New York State in 1910 show 35,757 boys and 24,485 girls; in all, 60,242 children 14 and 15 years of age engaged in gainful occupations. Of these, 10,641 children were engaged in agricultural pursuits and in domestic

<sup>1</sup> Labor Law, secs. 71, 72, 163, and 164. For the text of these sections see pp. 120, 122, 124.

<sup>2</sup> Labor Law, secs. 70, 76, 162, and 167; Education Law, sec. 633. For the text of these sections see pp. 120, 122, 124, 128.

<sup>3</sup> Labor Law, secs. 76 and 167. For the text of these sections see pp. 122, 124.

<sup>4</sup> Labor Law, secs. 76 and 167; Education Law, sec. 633. For the text of these sections see pp. 122, 124, 128.

<sup>5</sup> Labor Law, secs. 77 (as amended by 1912, ch. 539, and by 1913, ch. 465) and 161 (as amended by 1914, ch. 331, and by 1915, ch. 386).

<sup>6</sup> Labor Law, sec. 93 (as amended by 1910, ch. 107, and by 1913, ch. 464); Penal Law, sec. 485.



and personal service. Of the 5,623 classified as in the latter group, 4,395 were servants and the remaining 1,228 were in occupations covered by the law at that time as well as by the law of 1915, with the exception of those in barber shops and shoe-polishing establishments.

More than half of the working children of the State in 1910 were in the city of New York, where 37,235 boys and girls 14 and 15 years of age were engaged in gainful occupations. The three first-class cities, New York City, Buffalo, and Rochester, moreover, contained together 42,109 working children of this age group, more than two-thirds of all those in the State.

During the year ended September 30, 1914, 42,468 certificates were issued in New York State.

The table following gives certain data for New York City in regard to employment certificates for the year ended December 31, 1915.<sup>1</sup>

*Employment certificates, New York City, year ended December 31, 1915.*

Borough.	Applications for certificates.						
	Received.	Granted.	Refused.				
			Total.	Insufficient tuition. <sup>2</sup>	Educational. <sup>2</sup>	Over age.	Under age.
The city .....	39,443	37,131	2,364	155	79	741	109
Manhattan .....	18,665	17,228	1,543	120	38	539	66
Bronx .....	4,119	3,880	230	11	9	40	11
Brooklyn .....	13,225	12,749	446	7	21	118	1
Queens .....	2,888	2,747	134	16	11	39	31
Richmond .....	546	527	11	1	.....	5	.....

Borough.	Applications for certificates—Continued.					Duplicates issued.	Certificates expired.	Certificates in force at end of year.
	Refused—Continued.							
	Physical incapacity.							
	Total.	Malnutrition.	Cardiac.	Pulmonary.	Miscellaneous.			
The city .....	1,280	454	429	9	388	1,555	37,252	57,434
Manhattan .....	780	365	219	4	192	834	17,719	25,288
Bronx .....	159	38	87	3	31	148	3,789	4,928
Brooklyn .....	299	33	106	1	159	495	12,448	23,464
Queens .....	37	16	16	1	4	69	2,848	3,167
Richmond .....	5	2	1	.....	2	9	448	587

Fewer certificates were issued in 1914 than in 1913 because of the fact that an amendment to the law effective September, 1913, added completion of the sixth grade to the former requirement—ability to

<sup>1</sup> Statistical report of division of employment certificates of the bureau of child hygiene, department of health, New York City, for the year ended Dec. 31, 1915.

<sup>2</sup> See p. 26.

pass an educational test.<sup>1</sup> In New York City 33,192 certificates were granted during the year 1914 and 1,390 were temporarily or permanently refused, whereas, in 1913, 41,507 were granted and 2,185 were refused. In Buffalo 2,900 certificates were granted during 1914 and 753 temporarily or permanently refused—a decrease from 3,993 granted and an increase from 642 refused during 1913. In Rochester 1,429 certificates were issued during 1914 and 883 were temporarily and 2 permanently refused, as against 1,947 granted and 1,469 refused during 1913.

Because of differences in both the application of the law and the organization of the issuing offices in cities of different classes, the administration of the employment-certificate law of New York State was studied in several cities of each class, as well as in cities with diverse industries employing large groups of children, so that the conditions discussed might be fairly representative of those throughout the State. The first-class cities—New York City, Rochester, and Buffalo—were all visited. Those of the second class visited were Albany, the capital of the State; Troy, a manufacturing city north of Albany, near the junction of the Hudson and Mohawk Rivers; and Utica and Syracuse, in the central part of the State. Those of the third class were Little Falls, in the central part of the State; Cohoes, near Troy; and Tonawanda, near Buffalo. In addition the village of Victory Mills, northeast of Albany, was visited.

The methods used in New York City were first studied and have been used, so far as possible, as the basis of comparison in discussing the methods in Buffalo and Rochester and in the second-class cities. In the third-class cities the procedure was found to be so varied that, when necessary, each has been described separately. In all these places except Little Falls, Tonawanda, and Victory Mills the descriptions are based on actual observation of procedure, as well as on statements of officials. The field studies upon which this report is based were completed in May, 1915, and except when otherwise indicated the conditions existing at that time furnish the basis both for the description of facts and for the conclusions.

### GENERAL ADMINISTRATION.

In New York State the administration of laws relating to the employment of children from 14 to 16 years of age is in the hands of four agencies—the local health departments or health officers, who issue employment certificates and who in small cities and towns are authorized to inspect mercantile establishments; the local boards of education or public-school authorities, who issue school records and enforce the compulsory school-attendance law; the State department

<sup>1</sup> Labor Law, secs. 73 and 165; Education Law, sec. 630, subsec. 1. For the text of these sections see pp. 122, 124, 127.

of education, which has general supervision over the enforcement of the compulsory-education law throughout the State and may withhold one-half of the State appropriation from any school district which fails to enforce school attendance;<sup>1</sup> and the State industrial commission, which, through inspectors of the department of labor, of which it is the head, enforces the provisions of the labor law, and supervises the issuance of employment certificates.

Three forms to be used in the administration of the employment-certificate system are specified in the labor law: The school-record blank,<sup>2</sup> the physical-examination blank,<sup>3</sup> and the employment-certificate blank.<sup>4</sup> The law provides that in cities of the first and second classes the school-record and employment-certificate blanks shall be approved by the industrial commission; that in other cities and in towns and villages these forms shall be prepared and furnished by the industrial commission; and that no school record or employment certificate other than those approved or furnished by the industrial commission shall be used.<sup>5</sup> The industrial commission, however, has supervision only over the form and not over the accuracy of the statements contained in the school record.

Although the industrial commission approves the form, the preparation of the school-record blank has been left to the State department of education, which provides a model conforming to the law. Upon this model the forms furnished by local authorities are supposed to be based. In New York City the department of education provides school-record blanks to public schools and to parochial schools if desired; the department of health furnishes them to parochial schools and to children from other cities applying without them. In Buffalo the department of health, and in Utica and Cohoes the board of education, furnishes them to all schools, public and parochial. In all the other places visited the State department of education furnishes the forms. In Syracuse the blanks are available at the bureau of health, and in the other places at the office of the superintendent of schools.

The form used for the record of the physical examination must be furnished by the State industrial commission to the local departments of health<sup>6</sup> and is, therefore, uniform throughout the State.

The form of an employment certificate must be approved by the industrial commission; the contents are specified in the law. In 1913, when the labor law was amended to provide that "no employment certificates other than those approved or furnished by the

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<sup>1</sup> Education Law, sec. 636. For the text of this section see p. 128.

<sup>2</sup> Form 1, p. 134.

<sup>3</sup> See p. 43.

<sup>4</sup> Form 2a, p. 134.

<sup>5</sup> Labor Law, secs. 75 and 166. For the text of these sections see pp. 122, 124.

<sup>6</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.



commissioner of labor [industrial commission]"<sup>1</sup> should be used, instructions and a model form of certificate were sent to every issuing officer in the State. The department of labor furnishes blank employment certificates free to any issuing officer, and officers furnishing their own are supposed to base them on the model adopted by the department. All the first and second class cities in the State furnish their own forms. The third-class cities visited use the form furnished by the department of labor.

### LOCAL DEPARTMENTS OF HEALTH.

Under the labor law the local departments of health have two important duties—the issuance of employment certificates and the enforcement of the law relating to the inspection of mercantile establishments in places, other than first and second class cities, having a population of 3,000 or more.

Although the responsibility for issuing employment certificates rests upon the "commissioner of health or the executive officer of the board or department of health," this "board, department, or commissioner" may designate some other officer of the board or department of health to issue certificates. Frequently, indeed, a clerk employed by the department of health is designated as the issuing officer. The physical examination, however, must always be made by "a medical officer of the department or board of health."<sup>2</sup> The exact apportionment of the work of issuing certificates depends in part upon the way in which the department of health is organized.

The organization of departments of health differs widely in cities of different classes and even in those of the same class. In New York City the department is under the direction of a board of health consisting of the commissioner of health (who is also president of the board and executive officer of the department of health), the police commissioner, and the health officer of the port. The first two are appointed by the mayor and the last by the governor of the State. The department comprises eight bureaus, one of which, the bureau of child hygiene, includes as one of its seven divisions the division of employment certificates. In Buffalo the department of health is under the direction of a board consisting of the mayor, the president of the board of public works, and the health commissioner. One of the ten bureaus of this department is the bureau of child hygiene, a division of which issues employment certificates. In Rochester a commissioner of public safety appoints the health officer, and these two officers in conjunction have all the powers and perform all the duties which in New York City and Buffalo are vested in the board

<sup>1</sup> Labor Law, secs. 75 and 166. For the text of these sections see pp. 122, 124.

<sup>2</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.

of health. The section of child labor of the bureau of health issues employment certificates. In second-class cities the organization of the health department is similar to that in Rochester. In a third-class city the board of health consists of the mayor and at least six other persons, one of whom is a physician; in a town it is the same as the town board, which consists of the town supervisor and the several justices of the peace; and in a village it consists of the board of trustees. Each of these local boards of health appoints a physician, not a member, to act as health officer.

In New York City an issuing office is maintained in each of the five boroughs—Manhattan, Brooklyn, Bronx, Queens, and Richmond. The work in each of these is in charge of a chief who reports to the chief of the division of employment certificates. The latter has general supervision over all issuing offices. The headquarters are in the Manhattan office. In this office there are regularly employed one chief clerk, one clerk who interviews children and parents when they first enter the office, one clerk who issues certificates, two physicians—a woman who is at the office half of each day and a man who is at the office the other half of each day—and a nurse to assist the physicians. At the Brooklyn office the regular force consists of two clerks, two medical examiners, and one nurse to assist the examiners. The examiners—a man and a woman—alternate, each being on duty half a day. Either one examines both boys and girls. The issuing office of Bronx Borough is in charge of a medical inspector who examines the children, but a nurse interviews them when they first enter and issues the certificates after the examination. At times a clerk interviews applicants and other persons coming to the office and also passes upon some of the documents presented. In Queens Borough the office force consists of a medical inspector in charge, who examines all applicants; a nurse who assists him, interviews the children, and issues certificates; and a clerk who assists in various ways. In Richmond Borough the borough chief makes the physical examination and a clerk interviews children, issues certificates, and has charge of the files.

In each of the other first-class cities only one issuing office is maintained. In the Buffalo office the regular force consists of the medical inspector in charge who examines the applicants; a woman attendant who interviews children and parents, assists the physician in his examinations, and issues certificates; and a clerk who assists in interviewing children and in issuing certificates. In Rochester a graduate nurse devotes her whole time to interviewing applicants, to making the larger part of the physical examinations, and to issuing certificates. The health officer makes the more difficult tests of the physical examination.

During the busy seasons additional school nurses and medical inspectors—and in New York City, clerks as well—assist in the issuing offices in all the first-class cities.

In the second-class cities visited the work of issuing certificates is nominally in direct charge of the health officer. In Albany a clerk, who is the commissioner of deeds, performs all the clerical work, administers oaths when necessary, and sometimes interviews children. Usually, however, applicants are interviewed by whatever medical inspector happens to be in the office. In Troy the health officer is the examining physician and the health bureau clerk administers oaths and issues certificates. In Utica the health officer supervises the issuance of certificates; but the deputy health officer usually makes the physical examination and the clerk of the bureau, who is also the commissioner of deeds, administers oaths when necessary and issues certificates. In Syracuse the deputy health officer instead of the health officer supervises the work and administers oaths to parents. Two school medical inspectors are detailed on alternate weeks to give physical examinations and a clerk issues certificates.

In none of the third-class cities visited, except Cohoes, does the health officer have any assistance in the issuing of certificates. At Cohoes the clerk of the board of health comes to the office when necessary to administer oaths to parents.

In Victory Mills the health officer examines applicants and the village clerk issues certificates.

Even in cities of the same class, it appears, the issuing officer is sometimes a physician and sometimes a clerk. In New York City the division of duties made necessary by the large number of applicants makes it possible for the medical examiner to pass only on the physical condition of the children. In Buffalo and Rochester, on the other hand, the physician who regularly makes the physical examination is the consulting authority on other points and is regarded as the issuing officer. In Little Falls and Tonawanda this physician is the health officer and performs all the work necessary in the procedure of issuance. In Albany, Troy, Utica, Syracuse, Cohoes, and Victory Mills the examining physician, whether the health officer, a deputy, or a designated physician, is not regarded as the issuing officer and assumes little responsibility beyond passing upon the physical condition of the child.

The method of selecting employees in the health departments visited differs widely. In New York City and Buffalo all appointments are made by the local board of health and, with the exception of the heads of bureaus, are under civil-service regulations. In none of the other places visited, except Cohoes, is the health officer under such regulations, but in Rochester and in the second-class cities all

WITHOUT THE SUPER-REQUIREMENT OF  
CONTAINING CERTAIN THINGS







clerks and inspectors are chosen from a competitive civil-service list. In Cohoes all employees of the board of health, including the health officer, are appointed from such a list; in Victory Mills no civil-service regulations are in effect under the board of health.

### LOCAL SCHOOL AUTHORITIES.

The local school authorities perform two functions which have a direct relation to children desiring to go to work. First, they pass upon the educational equipment and the school attendance of such children and issue school records to children from 14 to 16 years of age who are eligible, so far as their education is concerned, for employment certificates. Second, they enforce school attendance of all children, including those of working age, and as one method of enforcement they take a regular school census.

According to the compulsory education law, the school records are issued by the following officers: In cities of the first class, by the principal or chief executive officer of the school which the child has attended; in other cities and in school districts having a population of 5,000 or more and employing a superintendent of schools, by the superintendent only; and in all other school districts by the principal teacher of the school.<sup>1</sup>

School attendance is enforced by the local attendance officers<sup>2</sup> and through the taking of a regular census of children in every school district of the State.<sup>3</sup> In first-class cities the census is constantly in progress; in other cities it is taken once every four years, and in rural districts annually. The facts to be ascertained by enumerators relate to residence, date of birth, names of parents or guardians, literacy, school attendance, and employment of all children between 4 and 18 years of age (5 and 18 in rural districts).

In the three first-class cities—New York, Buffalo, and Rochester—permanent census boards were established under a law of 1908, which prescribed that these boards should maintain through the police force a constant census amended from day to day. In Buffalo and in Rochester this board consists of the mayor, the superintendent of schools, and the police commissioner, and appoints a secretary and other employees.

In New York City, by an act of the legislature of 1914, the compulsory education division of the department of education and the permanent census board were consolidated into a "bureau of compulsory education, school census, and child welfare," which

<sup>1</sup> Education Law, sec. 630, subsec. 2. For the text of this section see p. 128.

<sup>2</sup> Education Law, sec. 632. For the text of this section see p. 128.

<sup>3</sup> Education Law, secs. 650-653; Greater New York Charter, 1901, ch. 461, sec. 1069, subdivision 8, added by Acts of 1914, ch. 479. For the text of these sections see pp. 129, 130.

works under the general supervision of the city superintendent of schools, who himself acts under the direction of the board of education. This bureau, known as the bureau of attendance, has for its purpose the enumeration of children, the enforcement of school attendance, and the handling of problems which affect the school attendance, education, employment, and welfare of children from 4 to 18 years of age. It has one main office with 13 branch offices in different parts of the city. To carry on its work the bureau employs a director and an assistant director appointed by the board of education for terms of six years each, a chief attendance officer, 2 division superintendents, 13 district supervising officers, 2 women supervisors of the welfare of high-school girls, 1 newsboy attendance officer, 1 medical supervisor, 2 supervisors of census enumeration, 1 "man at large," 133 attendance officers (20 of them women) who are also census enumerators, and 73 clerks, 1 of whom is a stenographer—a total force of 231. Commercial high-school students also assist in the stenographic work of the office.

In Buffalo the department of compulsory education, in cooperation with the permanent census board of the city, enforces school attendance. The director of compulsory education is appointed by the superintendent of education and supervises the work of the 15 attendance officers. Under the direction of the secretary of the permanent census board 60 policemen are employed whenever a census of children is taken. In the office are regularly employed six clerks, and during and after a census extra clerks assist in tabulating results.

In Rochester the efficiency bureau of the department of public instruction and the permanent census board of the city enforce school attendance. In the office of the efficiency bureau are employed a director (who is one of the assistant superintendents of schools), two stenographers, and two clerks. Four attendance officers are employed in the field. Six police enumerators, one in each precinct of the city, are employed constantly under the direction of the secretary of the permanent census board, and in the office of this board are employed one chief clerk (who is a stenographer) and two assistant clerks.

In the rest of the State the school census is taken by employees, most of them temporary, of the local school authorities, and school attendance is enforced by regular attendance officers. Though the selection of these officers is a local matter, their appointment is not left to the discretion of the local officials. The law provides that one or more attendance officers shall be appointed by the school authorities "of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village"; and that one or more attendance officers whose jurisdiction shall extend over school districts not otherwise provided

for shall be appointed, subject to the written approval of the school commissioner of the district, by the town board of each town. In the former class of places the superintendent of schools, and in the latter the school commissioner, supervises the work of the attendance officers.<sup>1</sup>

Of the smaller places visited, Albany had three attendance officers, Troy and Syracuse had two each, and Utica, Tonawanda, Cohoes, Little Falls, and Victory Mills had one each.

With few exceptions the attendance officers, enumerators, and other employees of the boards of education in the places visited and of the census boards in the first-class cities are appointed under civil-service regulations. Those who are not thus appointed are the director and assistant director of the bureau of attendance of New York City, whose qualifications are stated in the law; the secretaries of the census boards in Buffalo and in Rochester; the clerks in the efficiency bureau in Rochester; and the attendance officers in Syracuse and Victory Mills.

#### STATE INDUSTRIAL COMMISSION.

The enforcement of child-labor laws in factories throughout the State and in mercantile establishments in first and second class cities is vested in the State industrial commission.<sup>2</sup> This commission, which became the head of the department of labor on June 1, 1915, consists of 5 commissioners appointed by the governor and is advised by an unpaid industrial council of 10 members, also appointed by the governor. Six bureaus are provided for in the labor law: Inspection, statistics and information, mediation and arbitration, industries and immigration, employment, and workmen's compensation.<sup>3</sup> The only bureau, however, which has direct relation to the enforcement of child-labor laws is that of inspection. This bureau, subject to the supervision and direction of the industrial commission, has charge of all inspections made for enforcing the provisions of the labor laws. It consists of four divisions. The division of factory inspection enforces all laws relating to the employment of children in factories throughout the State. The division of mercantile inspection enforces all laws relating to the employment of children in mercantile establishments in first and second class cities. The division of home-work inspection aids in the enforcement of the law prohibiting home work of children under 14 years of age, and under 16 years of age without certificates. The division of industrial hygiene, through the section of medical inspection, has charge of both the physical

<sup>1</sup> Education Law, sec. 632. For the text of this section see p. 128.

<sup>2</sup> Labor Law, secs. 56 and 172. For the text of these sections see pp. 118, 124.

<sup>3</sup> Labor Law, sec. 42 (as amended by 1915, ch. 674).



examination and the medical supervision of children employed in factories.<sup>1</sup>

In order to assist in the general administration of the labor laws, provision is made that all factories must be registered with the industrial commission within 30 days after commencing business or after a change of location.<sup>1</sup>

The main offices of the industrial commission are in New York City. The division of factory inspection has headquarters at New York City, with branch offices in Albany, Buffalo, Rochester, and Utica. The division of mercantile inspection has headquarters in New York City, with no branch offices.

The commission has 8 supervisory inspectors, 131 deputy factory inspectors, and 20 mercantile inspectors. All the employees in the department except the deputy commissioners and counsel are under civil-service regulations.

#### STATE SUPERVISION.

General supervision over the administration of child-labor laws is vested in the State industrial commission as to the provisions of the labor law and in the State commissioner of education as to the provisions of the education law. The industrial commission is directed by law to "inquire into the administration and enforcement" of the provisions of the labor law relating to the employment of children, and for this purpose the commission or persons authorized by it have access to all papers and records kept by local officers charged with the duty of issuing employment certificates.<sup>2</sup> The industrial commission may also investigate and report upon "all matters relating to the enforcement and effect" of the provisions of the labor law relating to child labor.<sup>3</sup> At the time the provision relating to supervision went into effect, in October, 1913, the department of labor sent out general instructions with regard to the methods of issuing certificates, the character of records to be kept, and the method of making these records; and also suggestions as to the method of making physical examinations. Otherwise, practically no State supervision over the issuing of certificates had been exercised up to the time of this investigation.

Reports of the issuance of certificates are required by law. The health commissioner of a city, village, or town must transmit to the industrial commission, between the 1st and 10th of each month, a list of all children to whom certificates have been issued during the preceding month and a duplicate copy of the physical-examination

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<sup>1</sup> Labor Law, secs. 53-61 and 69. For the text of these sections see pp. 117-119, 120.

<sup>2</sup> Labor Law, secs. 75 and 166. For the text of these sections see pp. 122, 124.

<sup>3</sup> Labor Law, sec. 51. For the text of this section see p. 117.

record of every child who has received or been refused a certificate.<sup>1</sup> When reports are received at the department of labor the date of birth given in the lists is checked with that on the physical-examination sheet to see if they correspond. If errors are discovered in such dates, the records are sent back to the issuing offices to be corrected.

Supervision by the State department of education is exercised in practice solely with a view to the enforcement of the compulsory school-attendance law. From every school outside of New York City, Buffalo, and Rochester regular monthly reports of attendance are required by the compulsory education division of the State department of education and reports of the operation of the census law are required monthly from Buffalo and Rochester and, whenever a census is taken, from other places. The State commissioner of education may specify what information in addition to that required by law shall be collected by school census enumerators.<sup>2</sup>

### METHODS OF SECURING EMPLOYMENT CERTIFICATES.

One kind of employment certificate only is issued to children between 14 and 16 years of age. Duplicate certificates, issued to children who have lost their certificates, are exact copies of the originals, and no special certificates are in use for work during vacations or for temporary work at any time. The division of employment certificates of the bureau of child hygiene in New York City also issues statements of age to children over 16 who present acceptable evidence. Employment certificates properly issued in one part of the State are legal, unless revoked, in any other part of the State until the owner is 16 years of age. A child may obtain his employment certificate either in the city, town, or village in which he lives or in that in which he is to be employed.<sup>3</sup>

No leaflet instructions with regard to securing certificates are issued in any place included in this study except in New York City and Rochester. In New York City the bureau of child hygiene of the department of health has published a 24-page pamphlet entitled "How to Obtain an Employment Certificate," which has been distributed to the school principals and which is given to parents and others at the employment-certificate office; in Rochester the health bureau issues a card containing general directions. In many of the schools in other cities special instruction is given as to the necessary requirements and procedure.

During the regular school year little difficulty is encountered in securing school records, but various provisions are made for obtaining

<sup>1</sup> Labor Law, secs. 75 and 166. For the text of these sections see pp. 122, 124.

<sup>2</sup> Education Law, secs. 650-652. For the text of these sections see pp. 129, 130.

<sup>3</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.

them during vacation. In many schools in New York City and in Buffalo instructions for obtaining employment certificates during vacation are given at the close of the year. Children who desire school records and are entitled to them must get them before school closes or take the risk of not being able to find their principals during the summer. In Rochester instructions with regard to securing records during vacation are given all public-school children at the close of school. These records are filled in completely, except the date, for all children wishing them who have complied with the educational requirements and are of working age or will become so before September. They are kept in the office of the efficiency bureau. When a child entitled to one calls for it at that office, it is dated and given to him. The parochial-school child, on the other hand, must find the chief executive officer of his school in order to get a school record, if he has not secured one before vacation. In Troy, Little Falls, and Tonawanda, where the duplicate records are in the superintendent's office, which is open during the entire year, children have no difficulty in securing school records during the summer months. In the other places visited, however, unless children procure them before school closes they must depend on the chance of finding their principals later.

The issuing offices throughout the State are open so that children may obtain certificates at any time during the year. In New York City all the borough offices at which employment certificates are issued are centrally located, convenient to those districts from which large numbers of children go to work. In Buffalo and Rochester the issuing offices are also well located to accommodate children. In cities with 5,000 inhabitants or more, other than those of the first class, the superintendent of schools, according to law, must issue the school records; and in each of these cities visited, except Syracuse, the office of the board of health where certificates are issued is near that of the superintendent, often in the same building. In Syracuse the distance between the two offices is of no importance, as the school principals, instead of the superintendent, issue the records. In Victory Mills the physical examination is not given in the village where the certificate is issued but in the neighboring village of Schuylerville, about 1 mile distant.

### REGULAR CERTIFICATES.

The legal requisites for obtaining an employment certificate are uniform throughout the State. They are (1) the application of the parent; (2) the presentation of satisfactory evidence of age and (3) of a school record showing fulfillment of the specified educational requirements; (4) the passing of a physical examination showing sound health and (5) of an educational test in the issuing office proving



literacy. Before the certificate is issued the issuing officer must approve the papers submitted and must sign a statement that the child is able to read and write simple sentences in the English language. The child must appear in person.<sup>1</sup> The law does not state how the parent must apply, and the procedure in this matter is not uniform. In some communities the parent's presence is required always; in others, only for certain purposes; and in still others it is never necessary. The evidence of age required in the order of preference specified in the law is a transcript of a birth certificate, a certificate of graduation, a passport or baptismal certificate, other documentary evidence, and in first-class cities a physicians' certificate of age.

*New York City, Manhattan Borough.*—In New York City when a child applies for an employment certificate he must be accompanied by his parent or by the representative of his parent and must bring with him two documents—evidence of age and a school record. A clerk at a desk near the entrance to the room examines these documents and instructs him what to do next. No application, however, is started unless some person in parental relation is present and satisfactory evidence of age is presented. At this first stage delay may be caused by the failure of the child to produce one or all of the requisites.

If a child comes unaccompanied by his parent and fails to bring any or all of the required documents, he writes his name and address on the white interview card.<sup>2</sup> The interviewer examines whatever documents the child has and, in order to make the office procedure easy when the child returns, notes on the card what requisites are missing or defective. The child is then sent away with instructions to bring his parent and the requisite documents. If the child states to the first interviewer that neither of his parents can come, he is sent to the chief clerk, who questions him more fully to ascertain positively whether neither father nor mother can appear. If he convinces the clerk of the truth of his statement, he is given a blank form<sup>3</sup> to take home for his parent to sign and acknowledge before some notary. On this form the parent declares that he is unable to accompany the child to the issuing office and appoints some one to appear and act in his place. If the child explains to the satisfaction of the clerk that his parents are both dead, or live in another country or State, he must bring some one to sign a sworn statement<sup>4</sup> to that effect and to act in place of a parent.<sup>5</sup>

<sup>1</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.

<sup>2</sup> New York City Form 1, p. 138.

<sup>3</sup> New York City Form 2, p. 139.

<sup>4</sup> New York City Form 3, p. 139.

<sup>5</sup> Throughout the following discussion the word "parent" is used to mean anyone in parental relation to the child.

When a child presents satisfactory evidence of age, he and his parent must come together to the office. Thus if they appear without such evidence, they must both return with it unless the parent states that he has specific satisfactory evidence at home, when he is permitted to take oath and sign the application. The child then returns alone to the office and, if the evidence is as stated, it is accepted.

For a child born in New York City who comes without evidence of age this may be readily obtained, as he is sent across the hall to the bureau of records to secure a copy of his birth certificate, and, if his birth is recorded, he is there given a form<sup>1</sup> on which the date of birth is noted. If this date shows him to be over 14, the application is started; and if the school record is satisfactory, the entire procedure may be completed at once. If, on the other hand, his birth is not recorded, he is given at the bureau of records another form<sup>2</sup> to that effect and must return to the issuing office later with some other evidence of age acceptable under the law. A notation is made on the white interview card, so that when the child returns with such evidence the notes show what was done at the previous interview.

If the child appears without a school record but is accompanied by his parent and has satisfactory evidence of age, the application blank is started and, in order to avoid the necessity of the parent's returning to the office, his affidavit is taken at this time instead of after the child has fulfilled all the requirements. If the child states that he is in a low grade, nothing more can be done until the school record is produced. On the other hand, if the child states that he has finished the eighth grade or is in the high school, he goes through the entire procedure except that he does not receive his certificate until he has brought his school record. A child from a parochial school is given a school-record blank<sup>3</sup> to take to the chief executive officer of his school to be filled in; one from a public school gets a similar blank, filled in on application, at his school.<sup>4</sup>

Delays in securing a certificate are thus caused and return trips made necessary by failure on the child's part to appear with the requisites. Delay or refusal may be caused also by the presentation of documents which are not satisfactory. For instance, a child born in a country or State which issues copies of birth certificates may present as evidence of age a certificate of graduation or a baptismal record. If a birth certificate is procurable, the child and his parent must return at a later date with this certificate. But if it can not be secured the evidence first presented may be accepted. The school record may also be unsatisfactory, usually because it does not

<sup>1</sup> New York City Form 4, p. 139.

<sup>2</sup> New York City Form 5, p. 139.

<sup>3</sup> New York City Form 6, p. 140.

<sup>4</sup> New York City Form 7, p. 140.

show the number of days the child has attended school. In this case the child's name and address are taken on the interview card for future reference, and he is sent to his principal to have the blank properly filled in.

If, however, the documents presented by the child are satisfactory and a birth certificate, a certificate of graduation, a passport, or a baptismal certificate has been accepted as evidence of age, the first interviewer fills in the application blank,<sup>1</sup> with the exception of the signature of the issuing officer and that of the medical officer, and stamps on it the kind of evidence submitted. He then administers an oath to the parent, who swears that the child is of the age specified and that he or she is the parent. The interviewer also transcribes on the form appropriate to such evidence of age the contents of the document, and both the parent and the child sign the application blank in the specified places.

The school record and the documents proving the child's age are then fastened to the application blank and given to the child to take to the physician in the examining room.

If for any reason the child does not pass the physician's examination, he is sent to the office of the borough chief, where he is examined by that officer or by the assistant chief. If the examining officer agrees with the first physician, he marks the examination sheet "R," in red ink, and signs it and also the application blank. In case he does not agree, he signs both blanks as before but does not put "R" on the examination sheet and the child may secure his certificate. In questionable cases, therefore, the decision in regard to the child's physical fitness to work does not rest with the examining physician but with the borough chief.

As a result of the physical examination the child may be refused a certificate permanently, or, if the defect seems remediable, temporarily. The treatment of the child in either case is discussed later.<sup>2</sup> In the latter case the essential facts concerning the defect are noted on a special card<sup>3</sup> and placed in what is called a "tickler" file, which is kept on the desk for ready reference; the parent and child are given a notice of temporary refusal and are instructed how to have the defect corrected and when to return for reexamination; and the school principal is mailed a special notice explaining why the certificate is withheld, so that he may expect the child at school. If the child does not return to be reexamined, a card is sent requesting him to do so and setting another date. In case of repeated nonappearance, and in all cases of permanent refusal, a nurse is sent to ascertain whether the child has had the prescribed treatment. In case the child comes back to the issuing office with the defect corrected,

<sup>1</sup> New York City Form 8, p. 141.

<sup>2</sup> See pp. 49, 75.

<sup>3</sup> New York City Form 9, p. 142.



this fact is noted on his card and he goes through the rest of the procedure as if he had passed the physical examination at the earlier visit.

If the physical examination is satisfactorily passed, the examining physician signs the application blank and the physical-examination blank,<sup>1</sup> the two blanks are fastened together, and the child is sent to the chief clerk, who is the issuing officer. The clerk notes on the back of the application blank the child's height and weight as they appear on the medical-examination sheet, and dictates to the child a sentence from a Third Reader. If the child writes the sentence correctly, the clerk signs the certificate, stamps it with the date of issuance and the number, and delivers it to the child. If the child fails on the first sentence, he may try two more. If he writes 2 out of 3 or 3 out of 5 sentences correctly, he is passed; but if he can not do this his papers are sent to the director of the bureau of child hygiene, with the recommendation that he be refused. The director, after investigating the facts of the case, makes the final decision as to the granting or refusing of the certificate.

Children are refused certificates whenever cause for refusal occurs at any point during the procedure. A child may appear with his parent and either state that he is under 14 years of age or bring documentary evidence which shows that fact. A child may bring a school record showing either that he has attended school less than the 130 days required by law or that he is in the second half of the sixth grade or in a lower one. A child may fail to pass the physical examination, or at the very close of the procedure he may fail in the literacy test. For the under-age child the application blank is completely filled, and the parent is sworn in the regular way. The child is then refused a certificate, the parent is given a formal statement showing the cause of this refusal,<sup>2</sup> and the application blank and the refusal card<sup>3</sup> are stamped with the word "Refused" and also with the cause "Under age." In the other cases the procedure relating to the refusal of a certificate is the same, but the causes differ—"Insufficient tuition," if the child has not attended school a sufficient number of days or has not reached the specified grade; "Insufficient education," if he fails to pass the literacy test; or "Physical incapacity," if he fails to pass the physical examination.

When the child has to establish his age, either by documentary evidence other than a birth certificate, certificate of graduation, passport or baptismal certificate, or by a physician's certificate of age, the procedure differs somewhat from that outlined above, and the child is longer delayed before he receives his certificate. Before such evidence is accepted, indeed, the child may be obliged to make several visits to

<sup>1</sup> See p. 43.

<sup>2</sup> New York City Form 10, see p. 142.

<sup>3</sup> New York City Form 11, see p. 142.



the issuing office in an effort to establish his age through one of the preferred documents. If this effort is unsuccessful he is referred by the first interviewer to the chief of the division, who advises him how to procure "other documentary evidence" or determines whether he must resort to the physicians' certificate.

When a child, after making every possible effort, is unable to bring one of the preferred documents but has other acceptable documentary evidence of age, this evidence is transcribed to a form called a "Board paper"<sup>1</sup> and the application blank is filled in. The child then goes through the physical examination and, up to the point of receiving his certificate, follows the same procedure as though he had brought other evidence. If the child passes all the tests successfully, the "Board paper," showing the documentary evidence of age presented, is filled out and signed by the issuing officer. Before the child receives his certificate, however, this evidence must be approved by the board of health, which usually meets every two weeks. Thus the child must wait from a few days to two weeks before he knows whether or not he is to receive a certificate. The child and parent are informed of the reason for delay, and the child is given a typewritten statement to take to the principal of his school, explaining that his application has been referred to the board of health and that he will be notified should the board decide to grant the certificate. If the board approves the evidence of age, a post-card notice is sent to the child telling him to call for his certificate on a specified day.

Every effort is made to secure other evidence before resort is had to the physicians' certificate of age. But if the child is apparently more than 14 years of age and no other evidence seems available, the parent may make a formal application for an employment certificate and a physicians' certificate of age.<sup>2</sup> The issuing officer fills out this form and administers an oath to the parent to the effect that other evidence of age can not be obtained, and both he and the parent sign the form. The regular application blank is then partly filled in and the child is given a statement to take to his principal explaining the delay. This statement informs the principal that 90 days from date the child will be notified to appear at the office for a physical examination to determine age, and that if in the opinion of the examining physicians he is at least 14 years of age the physicians' certificate of age will then be issued, and if he presents a school record showing him to be at least 14 years of age, and in the grade required by law, an employment certificate will be granted. At the end of 90 days, therefore, if meanwhile no better proof of age has been found, the child is notified to come again with his parent to the issuing office. Two physicians then examine him, and, if they agree, this evidence

<sup>1</sup> New York City Form 12, see pp. 142, 143.

<sup>2</sup> New York City Form 13, see p. 144.

of age is accepted. If the two physicians disagree, however, a third physician examines the child, and any two concurring opinions are final. After the physicians' certificate has been accepted as evidence of age the parent's affidavit is taken and the child is tested for physical fitness and for literacy as are other applicants.

*New York City, other boroughs.*—The procedure in the different boroughs is now uniform; that in Manhattan is followed elsewhere in the city. When this investigation was begun, however, there were certain points of difference in matters of office detail. The Bronx office, for instance, took precautions to assure itself that a child applying for an employment certificate had not received one at some previous time. When a child applied he was asked his name, and the card catalogue was consulted. If the name was found, the child was told to write his name, address, and date of birth on a piece of paper, and, if his signature was the same as that in the files, he was not allowed to continue with the application. If his name was not found or if the signatures were not the same the application blank was marked "O. K." in the corner.

*Buffalo.*—The procedure in the Buffalo issuing office resembles closely that in the New York offices. But the register of births of all children born in Buffalo who are of certificate age is kept in the issuing office for ready reference. If an applicant's record of birth is in this register or if he submits a birth certificate, the application<sup>1</sup> provided on the school record is signed by the parent; in this case he need not come to the office. If other evidence is presented, the parent must come to the office to make affidavit. In case a certificate of graduation, a baptismal record, or a passport is accepted, the application signed by the parent is similar to that used in Manhattan. In case any other documentary evidence or a physicians' certificate of age is accepted, special application blanks,<sup>2</sup> on which the character of the evidence is noted, are used. The board of health meets frequently, and in case the evidence presented must have its approval the child is instructed when to return for his certificate.

At the first interview much information is noted on the school record. Such points as the date of birth, the character of the evidence of age, whether or not the child's birth is recorded in Buffalo, and the parents' birthplaces aid later in the examination. No matter what the school record states, the child is questioned as to the grade he is in; and if he has not entered the seventh grade, the procedure stops there and he is told to return to school. If the school record and the child's answers are satisfactory, he is required to read from some part of the Fifth Reader and to write a sentence from dictation.

<sup>1</sup> Buffalo Form 1, see p. 157.

<sup>2</sup> Buffalo Forms 2 and 3, see pp. 158-159.

If he can not do both to the satisfaction of the attendant, he is refused a certificate for insufficient education; but if he can, and if his evidence of age is acceptable, he is allowed to have the physical examination. If he passes this also, his school record is stamped "Approved" and he is sent to the clerk or attendant for his certificate. The child is asked where he is going to work, and a notation as to whether it is in a mercantile or a manufacturing establishment is made on a stub record. He then signs and receives the certificate.

The examining physician in charge of the office alone decides on physical fitness. If he thinks the child is not fit, the school-record and physical-examination blanks are stamped "Disapproved," with specific cause of disapproval, and the child is told why he can not get a certificate at that time. In cases needing treatment a notice is given to the parent, if present, or to the child to take to his parent. Whenever a child who has been refused a certificate for a physical defect returns with the defect corrected, the school-record and physical-examination blanks are stamped "Approved" and "Defect corrected" and the certificate is granted.

*Rochester.*—The child who applies for a certificate at the issuing office in Rochester is required to bring an additional card, namely, his health-record card, showing the results of his school physical examinations. This card is used to aid in substantiating the age of the child and in checking up the work of the medical inspectors. The nurse passes on the papers and makes part of the physical examination. The child is also asked if he has been promised employment; but whether he has or not he receives his certificate. A written promise of employment was first requested by the health officer in the spring of 1914, and such promise must be produced, when possible, before the certificate is issued. This promise, however, not being a legal requirement, can not be insisted upon.

When documentary evidence of age other than a birth certificate, certificate of graduation, baptismal certificate, or passport is presented the nurse approves it and administers the required oath to the parent, and the child is not delayed by waiting for the health bureau to act. When the child has to resort to a physicians' certificate of age, the parent's affidavit is taken at the second appearance, and the names of the two physicians making the examination are noted on the corner of the affidavit blank. This is the only case in which a parent is required to appear. No educational test is given unless the child appears illiterate or can not speak English.

*Other cities and villages.*—In second and third class cities the laws relating to employment certificates differ in some respects from those in first-class cities. Final resort to a physicians' certificate of age is not permitted, and if a child can not produce documentary evidence of age he can not legally procure an employment certificate.



The school record must be signed by the superintendent of schools instead of by the principal of the school the child attended.

In each of the second-class cities visited the clerk of the bureau of health passes upon the documents submitted by the child and issues the certificate. His signature, not that of the health officer, is on the employment certificate. The physician making the physical examination is regarded, indeed, as the examining physician and not as the issuing officer. In the third-class cities visited the health officer performs all the work attendant upon issuing and signs certificates.

When a child appears without necessary or satisfactory documents and is therefore unable to secure his certificate at once, his name and address are not taken. But in every issuing office visited the names of children under 14 years of age who apply are recorded and such children are counted among the number of refused applicants. In Little Falls the parent must always accompany the child to the office; in Troy, Syracuse, and Cohoes only when necessary to sign a sworn statement as to the child's age; and in Albany a boy's parent must appear for this purpose, and a girl's parent must in addition accompany her at the time of the physical examination. In Utica the parent must appear at some time during the procedure to sign the application blank.<sup>1</sup> In Tonawanda, on the other hand, he is not required to appear at any time.

No literacy test is given at the issuing office in any of these places. In Albany such a test was given at one time but was discontinued later. Inquiry is usually made at Albany as to the character of the child's work.

In all these cities except Syracuse the child is required to go first to the superintendent of schools to have his school record filled in, or approved if previously filled in by his school principal. In Syracuse the child is obliged to make an additional trip, as he must go to the issuing office to get the school-record blank for his school principal to fill in and then has to return with it to the issuing office. One trip to the issuing office suffices in most places, however, unless the child applies at other times than the office hours of the examining physician.

The health officer at Little Falls is the only one in any of these cities who asks for other documentary evidence of age and refuses to accept a parent's affidavit without supporting evidence. The child is not inconvenienced there, however, by waiting for action of the board of health, as the officer grants the certificate but can revoke it if the board decides later that the evidence is not satisfactory. Thus far the board has always affirmed the judgment of the health officer.

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<sup>1</sup> Utica Form 1, p. 163.



In Victory Mills the child has his school record filled in by the principal of the village school and goes with it to the clerk of the board of health, from whom he receives an affidavit blank. He takes this to his parent for the sworn signature; goes to the adjoining village of Schuylerville to be examined by the health officer; brings back to the clerk the duplicate copy of the physical examination blank; and, if everything is satisfactory, receives his certificate. Thus the child usually makes three trips, two to the clerk's office and one to the health officer in Schuylerville. Sometimes, however, he goes directly to the health officer with an affidavit and a school record, returning with all three papers to the clerk.

#### NUMBER AND FORM OF CERTIFICATES.

The contents of an employment certificate, as has already been noted, are specified in the law, and a model form<sup>1</sup> is provided by the State department of labor. In addition to conforming to the law this model has a statement concerning the physical examination and a note to the effect that the certificate is to be filed with the employer and surrendered to the child or to the person in parental relation when the child's employment ceases. Notices specifying the hours of labor in factories and mercantile establishments and calling attention to the section of the law relating to dangerous occupations for children are printed on the back of the form.

All places visited issue certificates based on this model except Victory Mills, where an old triplicate form in use before the law was changed in 1913 is used. Certificates in the old form are made out either for a factory or for a mercantile establishment, and under the old law they could not be used in any other kind of an establishment than that specified. In New York City the form differs from the model<sup>2</sup> in providing for distinguishing physical instead of facial marks and has additional spaces for the address and sex of the child. These data are meant to aid in identification in cases where confusion might arise on account of foreign names. Of 23 cities, other than those visited, from which certificates were obtained all but 2 use forms based on the model, and these 2 use the old triplicate form.

Though the law provides for only one copy of an employment certificate, the number varies. In New York City, Buffalo, and Utica only one copy is made out, but in the last two cities stub records of the essential facts shown on the certificate are kept for use in case it is necessary to make a duplicate. In Rochester, Albany, Troy, Little Falls, and Tonawanda certificates are made out in duplicate, one copy being given to the child and the other filed in the office. In Syracuse and Victory Mills three copies are made; one of these is given to the child, one is retained at the office, and one is sent to the office of the State industrial commission.

<sup>1</sup> Form 2a, pp. 134, 135.

<sup>2</sup> Form 2b, p. 135.

## VACATION AND TEMPORARY CERTIFICATES.

No vacation or temporary certificates are issued in New York State. If a child wishes to work during vacation, before or after school hours, or on Saturdays, he must comply with the same requirements as though he intended to leave school permanently to go to work. Furthermore, a child is not allowed to work while waiting for acceptable evidence of age.

## LOST CERTIFICATES.

The law makes no provision for an additional certificate in case the original is lost; but in the cities visited the issuing officer gives the child a duplicate which, except in Buffalo,<sup>1</sup> is on exactly the same form as the original, though in New York City such duplicates are plainly stamped "Duplicate." In the New York City offices a fee of 50 cents is asked for a duplicate; the child must sign a form<sup>2</sup> setting forth the manner in which the first certificate was lost; and, according to a ruling of the department of health, the parent must accompany the child. This rule is generally adhered to, as it aids in assuring the issuing officer that the child has actually lost the old certificate and is not securing the new one for another child. Since early in 1915 the practice has been to require the child to wait at least one month before a new certificate is issued. When assurance is given, usually by a note, that the employer lost the certificate, the parent need not accompany the child, and a new certificate is issued at once. In such a case the employer, informed by the issuing officer of the required fee, often pays it, but if he does not, the child must do so. Occasionally, when the imposition of the fee seems an injustice, the duplicate is given to the child free of cost. In New York City 1,555 duplicate certificates were issued in 1915.

In Buffalo, when the child wishes a duplicate certificate, he must come to the issuing office accompanied by his parent. The stub of the original certificate is consulted for the necessary data and the parent is required to swear as to the manner in which the certificate was lost. A fee of \$1 is charged, and an attempt is made here also to persuade the employer, if he lost the original, to pay for the duplicate copy; but if he will not the child must do so. In Rochester the child must apply in person and be reexamined, chiefly for defective teeth. No fee is charged, but the child is usually required to wait a week for the copy. If, however, the child brings a note from an employer stating that he has lost the original certificate or that he intends to employ the child, the duplicate is granted immediately.

In none of the other cities visited is any fee required, but the child is sometimes questioned and required to return a second time for the

<sup>1</sup> Buffalo Form 4, pp. 159, 160.

<sup>2</sup> New York City Form 14, p. 145.

duplicate certificate. At the Utica office, if the child says that the employer lost the original certificate, he must bring a written statement from the employer to that effect before the duplicate is issued.

### OVER-AGE CERTIFICATES.

In New York City the bureau of child hygiene of the department of health issues to a child over 16 years of age a statement<sup>1</sup> certifying that his proof of age has been investigated and is satisfactory. This statement is also issued to a child who claims to be over 16 but who can not present satisfactory proof of age, providing a physical examination made by a physician of the bureau indicates that he is over 16. It is frequently issued upon the request of an employer, and a child can not procure a second copy.

Until October 1, 1915, in New York City the department of labor issued to a child over 16 years of age a statement certifying that evidence satisfactory under the law for an employment certificate was filed in the office showing that the child was over 16 years of age. This statement was also issued upon the request of an employer, and a child could not procure a second copy.

### EVIDENCE OF AGE.

Any one of four kinds of documents may be used by a child to prove his age to an issuing officer in New York State. In order of preference these are as follows:

- (a) A duly attested transcript of a birth certificate.
  - (b) A certificate of graduation from the eighth grade, provided the school record shows that the child is at least 14.
  - (c) A passport or a duly attested transcript of a baptismal certificate showing the date of birth.
  - (d) Other satisfactory documentary evidence of age.
- A fifth document may be presented in first-class cities only, namely:
- (e) A physicians' certificate of age based on a physical examination.

When evidence other than a birth certificate is presented the parent, according to law, must appear in person before the officer issuing the certificate and must file an affidavit stating that other evidence can not be secured. For this affidavit no fee can be collected at the issuing office.<sup>2</sup>

To prevent effacement, the date of birth is perforated on the employment certificate in Buffalo and in Rochester. In the other offices it is written.

<sup>1</sup> New York City Form 15, p. 145.

<sup>2</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.



In New York City and in Buffalo the order of presentation prescribed in the law is strictly observed. In Rochester birth certificates, baptismal records, and passports are regarded as equally acceptable, and a certificate of graduation is accepted not only if the child's birth is not recorded but also if the record is difficult to obtain. In the second-class cities—Albany, Troy, Syracuse, and Utica—the birth certificate is first demanded, then the baptismal record or passport. In the absence of both these kinds of evidence the parent is required to swear before the commissioner of deeds or designated officer in the bureau that the child is of a certain age and that no other proof of age can be obtained. This parent's affidavit is frequently accepted without any supporting evidence. In Little Falls the proofs of age are required usually in the following order: Birth certificate, baptismal record, and parent's affidavit accompanied by other documentary proof. In Tonawanda the birth certificate is preferred, then the baptismal record; but occasionally some other document is accepted. In Cohoes and Victory Mills no special order of presentation is observed, but a parent's affidavit unsupported by any other document is the usual evidence.

Outside the first-class cities none of the offices visited demanded the certificate of graduation, and in none of them were the officers at the time of this investigation cognizant that such a certificate was acceptable as evidence of age.

#### TRANSCRIPT OF BIRTH CERTIFICATE.

*Native-born children.*—A law providing for compulsory birth registration has existed in New York State since 1853 but has not been effectively enforced until recently. In 1900, it was estimated, only about 78 per cent of the births were recorded, but in 1914 the State department of health claimed 99 per cent. A new law, effective January 1, 1914, gave the State commissioner of health power to remove local registrars and to prosecute local violators of the law. This law, it is claimed, will for the first time guarantee birth registration in the State. New York City, however, has always had a law different from that of the State and has enforced birth registration since 1909. In 1900 between 85 and 90 per cent of the births were registered, and the office of the registrar of vital statistics claims to get 99 per cent at the present time. Obviously, therefore, the child born in New York State who applies for an employment certificate can not yet be assured that the record of his birth will be on file.

The law requires "a duly attested transcript of the birth certificate." This does not necessarily mean the certified copy for which registrars may charge a fee of \$1.<sup>1</sup> No provision is made for searching the rec-

<sup>1</sup> Consolidated Laws 1909, ch. 45, art. 20, sec. 391, as added by Acts of 1913, ch. 69.



ords, but in none of the cities visited was a fee charged for doing so when the date of birth was wanted for school registration or for employment. The registrars in some places, however, are not willing to consult the records for such purposes and often, therefore, other evidence of age is accepted by the issuing officers. In New York City, Buffalo, and Rochester, when a request is received for the date of birth of a child born in the city, the information is furnished free to a child between 14 and 16, and in Rochester also to a 16-year old child who states that he wants it to prove his age to an employer.

In New York City a register of the births of all children born in Greater New York is kept in every borough office, and when such a child applies for a transcript it can be easily ascertained whether his birth is recorded. In Buffalo, Rochester, all the second-class cities visited, and Tonawanda the birth records are in the offices where certificates are issued, and for a child born in one of these cities the records are always consulted before other age evidence is accepted. In Little Falls, Cohoes, and Victory Mills the clerks of the boards of health have the birth certificates, but as they are also engaged in other business such records often are not consulted.

In Buffalo and Albany, if the name on the register differs from that on the school record or from the one the child gives, the parent must make a sworn statement before the commissioner of deeds that the two names are those of the same child.

In proving the age of a child born elsewhere in the United States difficulties are encountered, although the child is not greatly inconvenienced. Often, it is true, his birth certificate can not be obtained, but the answer to his request for one is soon forthcoming and other evidence can usually be secured. The Buffalo office instructs the child who claims to have received no reply to a request for a transcript of his birth certificate to send a special-delivery letter. If such a letter is returned, it is filed in the office and accepted as proof that the record does not exist. The office does not accept other evidence of age until it has written proof that a transcript of the birth certificate can not be obtained.

In Manhattan Borough, during the year 1913, 11,221 out of 14,367 native-born children receiving certificates, or 78 per cent, presented transcripts of birth certificates as evidence of age.

*Foreign-born children.*—Before the beginning of the European war a foreign-born child, in some offices, was required to present if possible a transcript of a foreign birth certificate. In case he did not have one he was compelled to send for one, and a long delay often occurred before it was received. Meanwhile the child was obliged to stay in school. In New York City, even since the beginning of the European war, such transcripts have frequently been demanded from

children born in countries not considered to be too seriously affected either by the war itself or by the resulting irregularity in the mails; but the practice has become less common as the war has continued.

Foreign-born children applying for employment certificates in New York City, Buffalo, and Tonawanda were always required to secure if possible copies of their birth certificates. Occasionally also they were required to do so in Rochester, Albany, and Syracuse, but never in Troy, Utica, Cohoes, Little Falls, or Victory Mills. Instructions were always given in regard to securing such certificates in New York City and Buffalo; rarely in Albany and Syracuse, and never in Rochester and Tonawanda.

The New York City office kept thoroughly informed of conditions in European countries which affected birth registration, and when a child claimed to have been born in a foreign city where birth certificates had been destroyed he was instructed what other evidence to bring. On the other hand, a child born where birth certificates were available was given a printed slip made out for the particular country of his birth and was instructed to fill it in and send it, together with the necessary fee—the amount of which was specified—to the proper official, whose exact title and address were given him.<sup>1</sup> The parent was instructed to send a registered letter and to keep the receipt in order to present it if no reply were received. At times a parent or child wrote to a relative or friend in the home country, asking him to secure the birth certificate. A letter received from such a person, stating that the birth certificate could not be obtained, was generally accepted, but in some suspicious cases the parent was required to write, as previously instructed, to the proper person. When such evidence was received, the office transcribed the essential facts on a special form<sup>2</sup> and returned the original paper to the child. Special difficulty was experienced with the Jewish child whose birth often was not recorded or whose certificate was difficult to obtain. In parts of some countries the births of Jewish children are recorded as illegitimate because the parents were married and the children born outside the State religion; their parents, consequently, often objected to procuring these records; and at times the office did not insist, but accepted other evidence.

At the Manhattan office 5,733 foreign-born children received certificates in 1913; 3,639, or 64 per cent of them, presented birth certificates as evidence of age; 543, or 9 per cent, graduation certificates; 403, or 7 per cent, baptismal records or passports; 972, or 17 per cent, other documentary evidence; and 176, or 3 per cent, had to resort to physicians' certificates of age.

<sup>1</sup> For this purpose the pamphlet of instructions, *How to Obtain Foreign Birth Certificates*, issued by the New York Child Labor Committee, was constantly used.

<sup>2</sup> New York City Form 16, p. 145.

In Buffalo, when a child was instructed to write for a copy of his birth certificate, he had to return with the copy or with a letter stating that the birth was not recorded. He was not instructed to keep the receipt to show, in case he received no reply, that he had actually written, for he was required to write again and again until he received a reply. Otherwise he could not get a certificate.

In Rochester the child or parent was simply told to write for a transcript of the birth certificate. A statement of the date of birth was accepted when written on a plain piece of paper if signed by the proper official.

In Albany and Syracuse, if a child came to the office with a baptismal record or passport, the document was usually accepted and the child was not directed to write for a transcript of his birth certificate. In Utica and Troy the issuing officers had no knowledge of the countries from which birth certificates could be secured, and consequently a child's statement regarding his ability to secure such a paper was accepted; in Little Falls, Cohoes, and Victory Mills, even though the officers had such knowledge, the child was not required to procure a transcript of his birth certificate. In Tonawanda the health officer usually knew whether a child had written for his certificate and accepted his word about the reply.

In Manhattan and Brooklyn Boroughs, where most of the foreign-born children apply, there was, until early in 1915, some one in the office to translate documents, and in the other boroughs the chief of the division was called upon for this purpose. In other places, unless the foreign document was easily translated, the issuing officers depended upon a translation by a priest, a notary, or sometimes the child.

#### CERTIFICATE OF GRADUATION.

The second evidence of age to be accepted is the grammar-school certificate of graduation. To make such evidence acceptable proof of age it must be accompanied by a school record showing the child to be at least 14 years of age. The provision really means, therefore, that the evidence of age presented and accepted is that appearing on the records of the school the child has attended. Of the 20,100 certificates issued in Manhattan in 1913, 1,084, or 5 per cent, were granted on this evidence of age. It is interesting to note that 9 per cent of the foreign-born children, but only 4 per cent of the native children, presented this evidence. If a diploma is acceptable, its contents are transcribed in the New York City offices to a regular form.<sup>1</sup> In Buffalo a note of the kind of evidence produced is made on the application blank.

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<sup>1</sup> New York City Form 17, p. 145.



In Rochester, if a child comes without his diploma, he is not required to return for it providing the school record shows that he has finished the eighth grade.

### PASSPORT OR BAPTISMAL CERTIFICATE.

A passport or baptismal certificate is the third choice as evidence of age under the law. In New York City, when instructions are given to a foreign-born child how to proceed in securing a birth certificate, additional instructions are usually given with regard to the passport or baptismal record in case the birth certificate can not be obtained. The evidence from a passport is copied on the same form as that used for a birth certificate. A transcript of a baptismal certificate must be signed by the pastor or priest and the seal of the church must be attached. The evidence on it is transcribed in the certificate office to a special form.<sup>1</sup> In Manhattan Borough 2,316 children who received certificates in 1913 proved their ages by baptismal certificates or passports. The majority of these children were native born; consequently more baptismal certificates than passports were accepted.

In Buffalo, when a baptismal record is accepted, it is retained in the office if not too cumbersome; otherwise it is transcribed to a form similar to that used in New York City. At the Rochester office a baptismal record, even when written on a plain piece of paper with no church seal attached, is customarily accepted from a child unless his birth is registered in the city; and a passport is commonly accepted from a foreign-born child.

In the second-class cities visited this evidence—a baptismal certificate or passport—is accepted if presented by a child born elsewhere than in the city or by a child born in the city whose birth is not recorded. In Albany a copy is made of the certificate, but in the other places the original evidence is kept on file. In Little Falls, where most of the applicants are Catholics, a baptismal certificate is the usual evidence of age presented and accepted. In Cohoes, also, most of the applicants are Catholics, and baptismal certificates would be easily obtainable; but they are rarely demanded and are accepted only if they bear the seal of the church and are accompanied by the sworn statement of the parent. In Tonawanda, if the applicant can get neither a birth nor a baptismal certificate, he can not obtain an employment certificate.

### OTHER DOCUMENTARY EVIDENCE OF AGE.

Under the law the issuing officer is himself permitted to accept the different kinds of evidence of age thus far discussed. For the acceptance of any other documentary evidence of age the approval of

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<sup>1</sup>New York City Form 18, p. 146.



the board of health is required. If a birth certificate, graduation certificate, passport, or baptismal certificate can not be produced, but if other documentary evidence of age satisfactory to the issuing officer is available, the issuing officer must present to the board of health a signed statement showing the facts, together with the evidence of age produced, and the board of health, at a regular meeting, may by resolution provide for receiving such evidence as it approves.<sup>1</sup>

Before other documentary evidence of age is accepted in New York City the child is required to furnish documentary proof that a birth certificate or certificate of graduation is not obtainable; but his statement is usually accepted regarding his inability to procure a baptismal certificate or passport, because the child, it is believed, will bring such evidence rather than wait unnecessarily while the board of health passes on the "other documentary evidence" of age.

Certain kinds of documentary evidence of age have been presented and accepted in one office and other kinds in another. But in any of these offices any proof of this sort which a child might present, if considered authentic, would be accepted. A life insurance policy is usually considered the best and is accepted in all the first-class cities, as is also a Bible record which appears to have been made near the time of the child's birth. A Jewish barmizvah paper<sup>2</sup> is accepted in New York City but not in Rochester; and at the time of this investigation such evidence had never been offered in Buffalo. The census age certificate<sup>3</sup> from the bureau of attendance, though by some considered of doubtful value as documentary evidence of age, is frequently used in New York City. No similar records, however, are in use in Buffalo or Rochester. Vaccination certificates, if official and not from private doctors, are accepted in New York City. But such certificates are not accepted in any of the other offices visited except in Rochester. The New York City offices have accepted a certificate from the United States Immigration Bureau, a hospital record, a statement of age from the children's court, and the date of birth on a christening cup. The Buffalo office has accepted a record of the Catholic Orphan Asylum, and the Rochester office accepts any authentic statement regarding a child's age—for example, an old letter written at the time of the child's birth to an aunt and showing the exact birthday.

Of the 20,100 certificates issued in Manhattan in the year 1913, 1,529 were issued on some sort of documentary evidence of age other than a birth or baptismal certificate, certificate of graduation, or

<sup>1</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.

<sup>2</sup> New York City Form 19, p. 146.

<sup>3</sup> New York City Form 20, p. 146. When a child applies for a census age certificate and no record of his age is found on file he is given a yellow card stating that fact.

passport. This evidence was accepted from 17 per cent of the foreign-born children receiving certificates as against 4 per cent of the native born. In Buffalo, from October 1, 1913, to September 1, 1914, only 20 children had to bring other documentary evidence of age.

The board of health in New York City has always approved the evidence of age accepted at the issuing office, but the board in Buffalo has not done so in every case. In Rochester, as already shown, other documentary evidence of age is not submitted to the board of health but is approved by the nurse.

In Little Falls the health officer accepts from the school principal a statement of the number of years a child has attended school and of the age at entrance. On the strength of this statement the parent's affidavit is accepted and the certificate is issued. After issuance the officer submits the facts to the board of health. Thus far the board has not disapproved the issuance of any certificate, but it is said that if it should do so the certificate would be revoked.

#### PHYSICIANS' CERTIFICATE OF AGE.

In cities of the first class—but nowhere else—in case no satisfactory documentary evidence of age can be produced for a child who is apparently at least 14 years of age, the law provides that the issuing officer may receive an application signed by the parent for a physicians' certificate of age. In order to allow ample time for "an examination to be made of the statements contained" in the application, and also probably in order to discourage the use of this evidence of age except as a genuine last resort, the law provides that the application must remain on file for at least 90 days before the examination is made. In case "no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application," the issuing officer may direct the child to appear for examination before two officially designated physicians, and if these two physicians agree that the child is at least 14 years of age their written certificate to that effect must be accepted as sufficient proof of age. If the two physicians disagree, the child must be examined by a third physician and the concurring opinions decide the age of the child.<sup>1</sup>

This last resort under the law is unsatisfactory, and it is important that every means of proving age by documents be exhausted before it is resorted to. The parents, considering that the long delay of 90 days during which the child must stay in school is a hardship, usually present, if possible, some other evidence of age.

This examination to determine age is never made unless the child appears to be over 14. Its exact nature could not be ascertained,

<sup>1</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.

but the physicians state that it is different from that for determining physical fitness to go to work.

In Manhattan Borough, during the year 1913, only 211 certificates were issued on physicians' certificates of age, most of them to foreign-born children. This evidence is rarely resorted to in the other boroughs.

In Buffalo physicians' certificates of age have been resorted to only occasionally. The board of health always approves such evidence before it is finally accepted. As in New York City, this certificate is based on the judgment of two physicians in the employ of the board of health. In Rochester, when a physicians' certificate of age is accepted, the parent's affidavit form <sup>1</sup> is used and the necessary data are written on the back of the form.

#### PARENT'S AFFIDAVIT.

Under the law a parent's affidavit must accompany all evidence of age except a birth certificate. The practice differs widely, and the Buffalo office was the only one visited in which the requirements of the law were strictly adhered to. In New York City the affidavit accompanies all evidence of age, but in Rochester only other documentary evidence or a physicians' certificate of age. In Cohoes the sworn statement of the parent must accompany the baptismal record, a requirement in no other second or third class city visited.

A parent's affidavit of age unsupported by documents to prove a child's age is not provided for in the New York labor law unless such an affidavit is considered "satisfactory documentary evidence." Nevertheless, such affidavits are commonly accepted in Albany, Troy, Utica, and Syracuse. They must be taken, however, before the notary in the issuing office. In Cohoes and Victory Mills, almost without exception, the parent's sworn statement of age is the only proof demanded. In Cohoes this statement must be made before the clerk of the board of health; in Victory Mills the affidavit, for which the parent must pay a fee, may be taken before any notary. In Little Falls an unsupported affidavit is never accepted.

The forms used for affidavits are similar throughout the State.

#### DISPOSITION OF DOCUMENTS.

All original evidence of age presented in New York City is given back to the child after it has been stamped to show that it has been once used at the issuing office. This stamp, it is believed, prevents future use of the same evidence by another child. Returned documents are not stamped in any other place visited in the State, nor is there any uniformity about returning evidence. In Buffalo tran-

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<sup>1</sup> Rochester Form 1, p. 16L



scripts of birth certificates, passports, certificates of graduation, and baptismal certificates—except those convenient for filing—are returned to the children. Other documentary evidence is filed in the office. In Rochester birth and baptismal certificates and passports are sometimes returned to the child and sometimes filed in the office, but certificates of graduation and other documentary evidence are always returned to the child. At Albany and Little Falls all original evidence except a transcript of a birth certificate is returned. In the other places visited all original evidence is filed in the issuing office.

### PHYSICAL REQUIREMENTS.

The physical requirements for an employment certificate are specified in the labor law only in a general way. Provision is made that the issuing officer shall sign and file in his office a statement that the child making application for an employment certificate is "in sound health and physically able to perform the work which it intends to do," and also that "in every case, before an employment certificate is issued, such physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on a blank to be furnished for the purpose by the State commissioner of labor [industrial commission] and shall set forth thereon such facts concerning the physical condition and history of the child as the commissioner of labor [industrial commission] may require."<sup>1</sup> As health officers were reminded by the department of labor when this provision went into effect in 1913, it is a penal offense to issue an employment certificate to a child without first making a physical examination in accordance with the requirements of the blank prescribed by that department.<sup>2</sup>

The industrial commission, it will be seen, is given power to decide the essential points to be noted in a physical examination, and it may be inferred that if a child is sound in all particulars mentioned he will generally be considered physically fit to go to work. At any rate, the data demanded by the commission are those which the local examining physician must record, and the examination must be given with this end in view.

The form in use, filled out and with the points checked for a typical healthy child, is shown on the opposite page.

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<sup>1</sup> Labor Law, secs. 71 and 163. For the text of these sections see pp. 120, 124.

<sup>2</sup> Penal Law, sec. 1275. For the text of this section see p. 131.





When the law went into effect, in 1913, the department of labor issued the following instructions, in addition to those on the form, as to the method to be adopted in making the various tests:<sup>1</sup>

*Eyesight.*—Use the Snellen test card. Ability to read the 20-foot section or test at a distance of 20 feet to be considered perfect. If child is unable to read the letters correctly at that distance, move him nearer, the distance to be shortened 2 feet at each test. Each eye to be tested separately, checking the number corresponding to the distance at which he reads the test correctly. In the illustration the "right" eye is checked at 16 and the "left" at 14.

*Hearing.*—Test each ear separately. Use an acoumeter (a simple instrument, costing \$1). Ability to hear the click of this instrument at 14 feet is to be regarded as perfect; lessen the distance (2 feet at a time) for those who can not hear, until they indicate their ability to count the number of clicks made by the tester. In our illustration above, the child is made to hear at a distance of 10 and 12 feet, respectively.

*Weight.*—Use accurate scales. Beware of efforts to increase weight by heavy substances in pockets or elsewhere about the person.

*Teeth.*—"Bad" should indicate marked decay.

*Pulse.*—To be taken at wrist, child sitting.

*Condition of pharynx—palate.*—Indicate in writing if tonsils are "hypertrophied," palate "cleft," or any other unusual or marked condition; if "normal," state that fact in writing.

*Hernia.*—Record should be based upon answers to inquiries, not on actual examination.

The industrial commission furnishes to every health officer a book of blank forms for recording the results of all physical examinations, whether resulting in the issuance or refusal of a certificate. In these books alternate blanks are perforated, and these perforated blanks must be filled out, by the use of a carbon sheet, as duplicates of the original record. All such duplicates must be sent, between the 1st and 10th of each month, to the office of the department of labor at Albany.<sup>2</sup>

### PROCEDURE.

In describing the physical examinations given in the places visited, the points on the blank form will be followed and variations from them noted.

In the New York City office all points on the form are checked. The nurse assists the examining physician by filling out the blanks and by questioning the child concerning the date of vaccination and the parents' birthplaces. She also often weighs and measures him. For the average applicant the examination requires about 5 minutes, but for the child who has some physical defect which the physician thinks might unfit him for work the time varies. Special attention is given to children with heart trouble, and the bureau of

<sup>1</sup> Circular letter to health officers issued by the New York State Department of Labor, Sept. 30, 1913.

<sup>2</sup> Data from the physical examination blanks were used in a pamphlet entitled "Heights and Weights of New York City Children 14 to 16 Years of Age," by Dr. Lee K. Frankel and Dr. Louis J. Dublin, Metropolitan Life Insurance Co., New York, 1916. Similar data for the entire State have been compiled, and will soon be published, by the bureau of statistics and information of the industrial commission.

attendance, when notified of a refusal for this cause, endeavors to have special provision made for the child by the school principal, such as placing him in a class on the ground floor of the school building and seeing that he is not overstrained.

The examination in the other cities and towns visited resembles that in New York City and requires from 3 minutes in some places to 10 minutes in others. In Albany, Little Falls, Utica, Syracuse, Troy, and Cohoes about 5 minutes is required for the average applicant; in Rochester about 10 minutes; and in Buffalo and Victory Mills from 3 to 5 minutes.

In New York City and in Buffalo an attendant assists the physician during the examination. In Albany and Troy the clerk of the board of health checks up the points on the blank during the examination, but elsewhere the physician performs all the clerical work.

In all the offices visited a girl is examined in practically the same way as a boy. In New York City, however, the nurse or female attendant must be present during the entire examination; in Albany and Little Falls the girl's parent must be present.

The examination for the most part aims to determine the physical condition of the child. Physicians in Rochester, Albany, Little Falls, Cohoes, and Victory Mills ascertain, if possible, the character of work the child expects to do and make the examination with that in mind. The Albany physician cited an instance of an applicant who had no sight in one eye and defective vision in the other. The child was attending high school regularly and wanted to work at a newspaper stand after school hours. Ordinarily, the physician said, he would have refused the certificate, but for such a child, who wished to finish high school, he felt that the outdoor work would be desirable and granted the paper. In Little Falls, where most of the children go to work in the knitting mills, the physician thinks it is very important to make sure that the child has no physical defect which will be aggravated by that work. The health officer at Victory Mills stated that he watched particularly for any defect of the lungs, as he thought no child with lung trouble should be allowed to work in the cotton mills. In Rochester a child is sometimes required to be reexamined a few days after the first examination to see whether suspicious symptoms still exist or have disappeared.

In Rochester, in addition to the information required on the form, certain extra-legal points are ascertained from the child or from the parent. These points, which are recorded on the regular physical examination blank, include the father's and mother's occupations, or the family's source of support if the parents are dead; the number of children in the family under 14 years of age and the number older, and, if possible, the occupation of those over 14; whether the family owns, rents, or is buying a home; the children's diseases the child has



had before and after the age of 7. Although the facts which these questions bring out have considerable bearing on whether or not the child receives a certificate, still they can not legally be made the basis for refusal. But if they show, for example, that the child apparently does not need to go to work or that he wishes to stay in school, the certificate may be refused on some other ground.

### TESTS.

In the following descriptions the test used in New York City is given and is used as a basis for comparison of the tests used in the other offices visited. Evidently, however, the nature of the tests may vary from time to time.

*Eyes.*—In New York City the child's eyes are tested at a distance of 20 feet from Snellen's chart, each eye separately and then both together, as prescribed on the blank. In Rochester, Troy, Little Falls, Cohoes, and Tonawanda the test is much like that in New York. In Utica it is made at a distance of about 12 feet from the chart, the calculation being based on 12 feet, and the fifth line from the bottom is used. In Buffalo both eyes are tested at once at a distance of 15 feet from the chart, which is lighted by electricity; and in Albany, Syracuse, and Victory Mills the distance is about 16 feet. Lighting conditions differ, however, in the various offices. In New York City the eyelids are examined to detect trachoma or other serious eye diseases. In the other places no such examination is made unless the appearance of the eyes arouses suspicion.

*Ears.*—In New York City each ear is tested by an acoumeter. In Troy, Utica, and Albany a watch is used. In the other offices no special test is made, as it is believed that if the child can understand what is said in an ordinary tone of voice he can hear well enough to go to work. Special tests are made, however, in most places if anything peculiar is noted about a child's hearing.

*Oral cavity.*—In New York City the teeth and throat are examined at the same time, and enlarged glands are determined by external examination with the hands. In all the other offices visited the teeth and throat are examined in a similar manner. In New York City the test of breathing consists of closing each nostril in turn and either feeling the breath with the hand or listening to the breathing. In Buffalo, Albany, Syracuse, Troy, Utica, and Tonawanda the child is questioned or his general appearance is observed. In Rochester mouth breathing is detected by the shape of the nose and the condition of the throat. In Cohoes, Little Falls, and Victory Mills no test is made.

*Lungs and heart.*—In New York City the heart and the lungs are tested in front, according to instructions, with a stethoscope on the bare chest. During the examination the child is required to take



full breaths and sometimes to cough. At times the lungs are also examined in the back. In Cohoes the heart and lungs are tested as in New York City. In Utica both the front and back of the chest are bared and examined with a stethoscope. In the Bronx, when any indication of trouble with the lungs is found, the child's temperature is taken and if abnormal the child must return in a few days for another examination. In Little Falls and sometimes in Buffalo the physician does not use a stethoscope but places his ear on the chest over the clothing and listens. In Rochester the bare chest is tapped during the examination, and, if any abnormal resonance is found or if the child has a cough or imperfect expansion, the temperature is taken and the back as well as the front of the chest is examined with the stethoscope. Usually in Buffalo and always in Albany, Troy, Syracuse, Tonawanda, and Victory Mills the stethoscope examination is made through the clothing.

*Vaccination.*—In New York City the child is questioned concerning vaccination and the reply is simply noted on the blank. This is also done in Cohoes and Victory Mills. In Albany, Troy, and Utica, and usually in Buffalo, the child must show the scar, but in Rochester only if he is from a parochial school. In Syracuse, Little Falls, and Tonawanda the child is not questioned.

*Joints and spine.*—In New York City joint and spinal trouble are detected by feeling the joints, by running the fingers down the spine, and by observing the child's general carriage. This method is also used in Troy. In Buffalo the child is required to swing the arms and legs vigorously while walking. In Rochester he is questioned as to his ability to swim, and his general carriage is observed. In Albany the child must move arms and legs vigorously; in Utica, Cohoes, Tonawanda, and Victory Mills he is questioned regarding his joints; and in Syracuse his general carriage is observed.

*Hernia.*—In New York City boys are questioned regarding hernia. In every other office visited this point is omitted.

*Height and weight.*—The tentative minimum standard of height in New York City is 4 feet 8 inches; that of weight is 80 pounds. These standards are usually adhered to, for if a child falls below either of them and his muscular development is poor, or if he appears anemic, it is usually considered to indicate malnutrition, and he is held to be physically unfit to work.<sup>1</sup> In Buffalo, if a child is apparently in sound health, no standards of height and of weight are observed; nor are they in Rochester, if there is no other physical defect. No established standards of height or of weight exist in the other places visited.

<sup>1</sup> Not infrequently children put heavy articles in their clothing so as to raise themselves to the required weight. In the Manhattan office a small, apparently anemic boy, who had been previously refused because he was underweight, appeared wearing heavy boots and begged to be weighed with them on so that he might go to work.

*Other tests.*—The existence of anemia, goiter, clubbed or cyanotic fingers, and the presence of a contagious disease are watched for during the examination in every place visited.

#### CAUSES FOR REFUSAL OF CERTIFICATES.

In most of the issuing offices visited, if the physical examination reveals defects which appear to be remediable by proper treatment, the certificate is temporarily refused; that is, it is withheld until the child comes again to the office with the defect corrected. In every instance of a temporary refusal it may be assumed that, unless the defect is corrected, the child is permanently refused permission to work. Thus it may happen that in some places a certificate has never been permanently refused because no child has ever applied who had defects which could not be corrected.

For what physical defects any office, if actually confronted with the problem, might refuse a certificate can not be stated definitely, as certain defects may have come to the attention of one office but not of another. The standards and the emphasis placed upon particular defects differ, as might be expected, in the various offices of the State. As a matter of fact, children in New York City are temporarily refused certificates for signs of malnutrition as indicated by their falling below the standard of height or weight or by their anemic condition; for markedly defective eyes, ears, or teeth, greatly enlarged tonsils, contagious skin diseases, prominent glands, bronchitis, or serious physical deformity. No child ever has received a certificate who showed indications of tuberculosis or who had heart disease or trachoma.

In Buffalo certificates have been refused for pronounced adenoids, heart disease, tuberculosis, and orthopedic trouble which can be corrected.

In Rochester defective teeth are the most frequent cause for which children are refused certificates. No matter how slight the defect, it must be corrected and the teeth be put in sound condition before the certificate will be granted; and if a tooth which needs specific treatment is removed instead of being given such treatment, the child does not receive a certificate. The health officer insists that the teeth be in perfect condition, as he believes defective teeth have a very close relation to a child's general health. Indications of tuberculosis, heart murmurs without compensation, spinal curvature, or any other serious deformity, such as flat foot, must also be overcome before a certificate will be granted, and no child is given a certificate until he has been vaccinated.

In Albany certificates have been withheld from children who had defective vision, greatly enlarged tonsils, or a contagious disease, or

who had not been vaccinated. However, if the defect is of a kind that will not be aggravated by the work which the child proposes to do, the certificate may be granted. When any child comes to the bureau of health to be vaccinated he must be accompanied by his parent or guardian or must bring a written statement from one of them consenting to the vaccination. At Troy certificates have been refused for physical deformity, defective vision, Pott's disease, neglect or refusal to be vaccinated, indications of tuberculosis, and heart murmurs. In Syracuse certificates have been refused for defective vision and for failure to be vaccinated; in Utica for defective vision, adenoids, sore throat, or decidedly enlarged tonsils; and in Little Falls for defective vision and also for malnutrition, as work in mills, although not necessarily dangerous, is considered taxing enough to sap the vitality of a child who is not strong. In Cohoes certificates have been occasionally refused for defective vision, indications of tuberculosis, and physical deformities which would interfere with work; and in Tonawanda for weakness and anemia. In Victory Mills certificates have never been refused.

#### TREATMENT OF REFUSED CASES.

In New York City children who are refused certificates because of slight or serious physical defects are referred daily to the school nurses, who visit the homes to see that the children follow the treatment prescribed and who make regular reports. The nurse in the office also keeps a record of all such cases until the children return. Very anemic children are sometimes sent into the country by the department of health.

In Buffalo these children are placed in the care of school nurses, but no reports are made as to whether the child follows the prescribed treatment. Only when the child returns is a record made of the correction of a defect. When the parent or child claims to be too poor to secure treatment for defective vision or bad teeth, a note is given him to take to the free dispensary. Before treatment is given, all such children are reported by the dispensary to the overseer of the poor, who ascertains whether poverty actually exists.

In Rochester children with defective teeth may secure treatment at the free dental clinic, and if they return to the issuing office they are reexamined to see whether the special defect has been corrected.

In Little Falls and Tonawanda, when the health officer refuses a certificate to a child for any cause whatever, he notifies the superintendent of schools, so that the child may be returned to school. But neither in these two places nor in the remaining places visited is the child followed up to see that the treatment recommended for physical defects is actually received.



### PHYSICAL EXAMINATION IN FACTORIES.

Additional protection is thrown around a child between 14 and 16 years of age working in a factory by the provision that any such child shall submit to a physical examination whenever required by a medical inspector of the industrial commission. If a child refuses to submit to the examination, or if as a result of the examination he is found physically unfit to be employed in a factory, his employment certificate may be canceled. If the child later submits to the examination, or if on subsequent examination the physical defects are found to have been removed, his certificate may be restored to him and he may be allowed to work. The child's employer and the local board of health are notified both of the canceling and of the regranting of his certificate. When a certificate is canceled it must be delivered by the employer to an authorized representative of the industrial commission. The results of all physical examinations must be recorded on blanks furnished for that purpose by the industrial commission, and a special form has been devised for recording cases of children whose certificates have been revoked because of physical unfitness.<sup>1</sup>

The division of medical inspection has existed since 1909, when provision was made for at least three medical inspectors—one of whom should be a woman—and the section providing for the physical examination of minors in factories has been on the statute books since 1913. Up to November, 1915, however, very few inspections had been made for this purpose, and the law was practically a dead letter.

### EDUCATIONAL REQUIREMENTS.

The law specifies two educational requirements which must be met by a child in New York before he can procure an employment certificate. First he must secure a school record, and second he must pass a literacy test.

A school record, according to law, must "contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or parochial schools, for not less than 130 days during the 12 months next preceding his fourteenth birthday, or during the 12 months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions and has completed the work prescribed for

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<sup>1</sup> Labor Law, secs. 61 and 76-a. For the text of these sections see pp. 119, 123.



the first six years of the public elementary school or school equivalent thereto or parochial school from which such school record is issued."<sup>1</sup>

During the period of school attendance children must be given instruction in a public school or in some other place where reading, spelling, writing, arithmetic, English language, and geography are taught in English.<sup>2</sup> If a child is instructed elsewhere than at a public school, the law requires not only that the instruction shall "be at least substantially equivalent to the instruction given children of like age at the public school," but that the attendance shall be for at least as many hours a day and "no greater total amount of holidays or vacations shall be deducted from such attendance." Absences, moreover, may be allowed only upon the same excuses as would be permitted under "the general rules and practice" of the public schools.<sup>3</sup>

At the time of granting a certificate the issuing officer not only must see that the child has a school record properly filled out but must "sign and file in his office a statement that the child can read and legibly write simple sentences in the English language."<sup>4</sup>

#### SCHOOL RECORDS.

In cities of the first class the school record from a public school must be issued by the principal or chief executive officer of the school the child attended; in all other cities and school districts having a population of 5,000 or more and employing a superintendent of schools, by the superintendent; and in school districts having a smaller population, by the principal teacher of the school.<sup>5</sup> The granting of school records by parochial schools is not supervised except in the smaller cities, where it is in a measure under the supervision of the superintendent of the public schools, who issues the records upon the recommendation of the principals of these schools.

The school record, according to the compulsory education law, must be issued to a child who "after due investigation and examination" is found entitled to one, and, according to the same section of the law, it must be issued "on demand to a child entitled thereto or to the board or commissioner of health."<sup>6</sup> This latter provision occurs also in the labor law. All school records must give the date of birth and the residence of the child as shown on the records of the school, and also the name of his parent or guardian.<sup>6</sup>

<sup>1</sup> Labor Law, sec. 73. Education Law, sec. 630, subsec. 1, and Labor Law, sec. 165, contain practically the same provisions as Labor Law, sec. 73. For the text of these sections see pp. 122, 127, 124.

<sup>2</sup> Education Law, sec. 620. For the text of this section see p. 125.

<sup>3</sup> Education Law, sec. 623. For the text of this section see p. 126.

<sup>4</sup> Labor Law, sec. 71. For the text of this section see p. 120.

<sup>5</sup> Education Law, sec. 630, subsec. 2. For the text of this section see p. 128.

<sup>6</sup> Labor Law, secs. 73 and 165. For the text of these sections see pp. 122, 124.

### INTERPRETATION OF GRADE REQUIREMENTS.

Considerable perplexity exists throughout the State regarding the proper interpretation of the phrase, added to the law in October, 1913, which reads: “\* \* \* has completed the work prescribed for the first six years of the public elementary school or school equivalent thereto, or parochial school from which such school record is issued.”

In New York City the department of health has ruled that unless the child has been promoted to the seventh grade he has not completed the first six years of the elementary school. The superintendent of schools has acquiesced in this ruling and in addition, in order to secure greater uniformity in educational standards, requires that every public-school candidate for a working paper who has not completed at least the first half of the seventh grade must be examined by the school authorities as to his educational fitness for a school record. On the record used by parochial schools is printed the simple statement that the child has completed the first six years of school.

In Buffalo, although the record shows completion only of the sixth grade, the issuing officer does not grant a certificate unless the child states that he has passed the examination into the seventh. But when a child has spent two years in any grade he is considered by the school authorities to have finished the work of that grade and is promoted even though he can not pass the examination. In Albany, Syracuse, and Tonawanda, also, two years spent in the sixth grade is equivalent to passing an examination into the seventh.

In Rochester the department of public instruction considers ability to be promoted into a grade as evidence of completion of the one preceding, and two years' time in a grade is not the equivalent of completion, though a child who has spent two years in one grade may be placed in the one next above to see whether he can do the work. Pupils, however, who have not passed the examination into the seventh grade are sometimes granted school records. In Utica, Little Falls, and Victory Mills children are not supposed to be granted school records until they can pass the examination for promotion into the seventh grade.

In Cohoes and Troy a child is not required to have spent more than one year in the sixth grade to be eligible for a school record.

### EMPLOYMENT-CERTIFICATE CLASSES.

Special classes maintained solely to aid children to gain the essentials of a six years' course in school and thus to become eligible to receive employment certificates were found in some schools in New York City and in one school in Buffalo. Under the old law, which required an examination in certain subjects, such classes were common; in January, 1916, they were discontinued in New York City.

In some schools in New York City special classes, composed of foreign-born children 7 to 18 years of age, unable to speak English, are formed to give the children a better command of the language. As soon as possible, however, these children are transferred to regular classes and then promoted from grade to grade until they have completed the sixth-grade work, when they may be given employment certificates. At the time of this investigation at least one school still maintained a special class composed of employment-certificate candidates whenever enough backward children in the school at one time desired to go to work. What are called rapid advancement classes are also utilized for this purpose. In these classes only the branches usually considered essential are taught, and the work of three terms is done in two. These classes of any grade are theoretically made up of the bright, over-age pupils, mostly foreign born or from homes speaking foreign languages. In practice, however, a candidate for an employment certificate who may be backward in the second half of the regular sixth grade is sometimes put in one of these classes and drilled in the requisites for the special examination.

One of these rapid advancement classes, for example, in a school from which a great many children go to work, was composed in 1914 of about 25 boys, of whom 10 were candidates for employment certificates, 1 or 2 were high-grade defectives, and the others were over-age pupils who were above normal in mentality. Of the 10 candidates for employment certificates, 9 were foreign born and 1 was native born of foreign parentage; 9 were Hebrews, and 1 was an Italian; 8 were between 14 and 16 years of age, and 2 had become 16 since entering the class. The two latter boys were a little backward and had not taken the examination, but as it had not occurred to them that they could leave school until they had finished the sixth grade, and as the principal had not told them they were old enough to leave, the chances were they would stay till school closed. One boy was in the class because the proof of age he had presented had not been accepted, and he was waiting till the birth certificate for which he had written should arrive. He had passed the examination and was therefore not much interested in his studies. Two boys had failed in the last examination and were preparing for the next one. None of the boys had been in the class more than five weeks. The records of every boy, except one who had recently entered, were examined. Each boy had been in the second half of the sixth or the first half of the seventh grade; all the boys, with the exception of one or two recent immigrants, had spent at least a year in each previous grade; and those who had recently arrived in this country had skipped from the foreign class to a regular class in a few weeks. The branches in which extra drill was given were those required for the



special examination for employment certificates—arithmetic, English, writing, and grammar. In addition, history, geography, and phonics were added, the history and geography being combined to show the geography of historic places. Phonics was believed to be a particularly important study, and constant drill was maintained in all sorts of combinations of sounds. The 10 certificate candidates were drilled separately from the others in the class in all studies except penmanship.

Whether such help was given in a regular employment-certificate class or in a section of a rapid advancement class, its chief significance in New York City was that the child was being drilled in the essentials in order to pass the examination for an employment certificate.

In Buffalo a regular employment-certificate class, in which essentials only are taught, exists in one school in the Polish neighborhood, but instruction and special help are often given to individual children in other schools. Children from the first half of the fifth grade to the second half of the sixth are allowed to enter this class when the principal thinks that he can not persuade them to go through the regular grades and when the family seems to need their help. Children who are temporarily out of work are also put in this class. The discipline and requirements are particularly interesting. In the 12 months previous to receiving his school record the child must be present 130 whole days—half days are not added together to make whole days—though all these days need not have been spent in the employment-certificate class; and he must secure his birth certificate or other satisfactory evidence of age while in the class. At the end of each month he is given a test in every subject, and if his grade averages 90 per cent or above, and he has complied with the requirements of attendance and of age evidence, his name is put on the honor roll and he is granted a school record. At the end of the year a regular examination for completion of the second half of the sixth grade—not a special examination for this class—is given, and all those who pass, provided they have complied with the other requirements, are granted school records. An examination of records of children in this class showed that most of them were able to leave after a few months' time. Some children were put into this class, it was found, on the day they were 14 years of age; in some cases they were taken from the first half of the fifth grade and placed in the employment-certificate class without first being placed in the second half of the regular sixth grade as was done in New York City; yet it was probably more difficult to get out of this class than out of any class in New York City giving similar help. This class was recognized by the Buffalo department of education, but at the



issuing office of the department of health it was said that if a child stated he had been in this class he was not granted a certificate.

In Rochester, although children who can not fulfill regular requirements are "tried out" in other grades and special classes and are given assistance by teachers, no special classes exist for children desiring to go to work. And none of the smaller cities visited had such classes.

#### EXAMINATIONS FOR EMPLOYMENT CERTIFICATES.

The requirement that a child applying for an employment certificate who has attained only the first half of the seventh grade shall pass an examination before receiving a school record is a ruling of the superintendent of schools of New York City. No similar requirement exists in any other city visited. Justification for the requirement is found in the provision of the compulsory education law that the school record must be issued to an applicant when, after due investigation and examination, he shall be found entitled thereto. Examinations are held in each district every two weeks, at a school building designated by the district superintendent. The ruling requires that, though these examinations shall be conducted by the principal of the school where they are held, they shall be under the general direction of the district superintendent. The practice followed differs in the various schools. Often responsibility for conducting the examination is delegated by the principal to an assistant or to a teacher. Sometimes the lists of names and ratings of children are sent to the district superintendent, sometimes only the names, and sometimes no report whatever. Only rarely does he see the questions used.

The subjects to be included are: (a) The writing of a bill which includes some simple work in fractions, with multiplication and addition in the extensions; (b) the solving of three or four simple problems in business arithmetic; (c) a simple exercise in dictation; (d) oral reading from a Fourth Reader; and (e) the writing of an application for a position or some other form of letter writing.

The ruling regarding the scope of the examination was made when the requirement was completion of the first half of the fifth grade and when the law stated that the child must have a knowledge of certain branches. When the law was changed no change was made in this ruling. Consequently wide differences are found in the examinations given.<sup>1</sup> Some principals add other subjects. On the other hand, one examination omits the test in letter writing because, according to the principal, it is a fifth-grade, not a sixth-grade study; another test omits not only letter writing but the oral reading and the writing of a

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<sup>1</sup> New York City Form 21, pp. 146, 147.

bill. One test is suited to a child who has just finished the sixth grade, another to a child in the first half of the fifth grade. These differences are due partly to the fact that the law does not require such an examination and the ruling does not state to what grade the examination shall be adapted. Needless to say, children taking examinations in the districts which give the fifth-grade test have high ratings and all pass, while in the districts giving a sixth-grade test, many children have low ratings and often have to try the examination several times.

### CHILDREN'S RECORDS.

The pupils' record cards found in the office of the bureau of attendance of New York City furnished abundant material regarding the educational status of children leaving school to go to work, and were valuable for this study in so far as they showed the educational equipment with which a child may start to work or the protection with which the school surrounds the child before allowing him to work. A bureau of attendance record card covers a child's complete school history from the time he enters school until he leaves and shows such points as the dates of entrance and of promotions, the attendance, grades, standings, and conduct, for every half year of enrollment. Between three and four hundred of these cards were examined, the records being chosen from those of several schools in Manhattan Borough from which large numbers of children left school to go to work. Every child who received a school record was looked up in the files of the Manhattan issuing office to ascertain the lapse of time between the issuance of the school record and that of the certificate<sup>1</sup> and to see whether the grade on the record card corresponded to that on the school record presented at the certificate office.

An examination of these record cards showed the various methods by which children are enabled to comply with the technical requirements of the law. A child may be promoted rapidly when he nears the age of 14; he may be tried in special classes; the examination may be adapted to his ability; or his grades in the examination may be raised. The child whose record is shown<sup>2</sup> was put into a rapid advancement class at one time and into a special class at another. In the last year—the year before he became 14 years of age—he spent only two months in the second half of the sixth grade and was then promoted into the first half of the seventh grade. Another interesting record is that of a boy who had arrived recently from Austria. He was placed in a special class for foreign-born children and then tried in the first half of the seventh grade, where he stayed about a month before being put back into the foreigners' class. He left school before his sixteenth birthday and

<sup>1</sup> See pp. 103, 104.

<sup>2</sup> New York City Form 22, pp. 148, 149.

received a certificate. Another boy doing average work progressed through the grades of the public school up to the time of his promotion to the first half of the sixth grade, when he evidently became eager to go to work. He did not enter the second half of the regular sixth grade, but went directly into the rapid advancement class for that grade. The school record stated that he was in the first half of the seventh grade, but no results of the examination were shown. The certificate was issued March 4, 1914, and the boy was discharged from school March 9, 1914. Another child, who went directly from the second half of the fifth grade to the first half of the seventh grade, failed in her regular employment-certificate examination in April but in May presented herself for another special test, with a note from her principal in substance as follows: "My dear Miss ———: I am very anxious that ——— pass the examination to-day, as it is necessary that she go to work. She is rather a dull girl, and I hope you will do what you can for her. ———, Principal P. S. No.——." This girl, in a test adapted to completion of the second half of the fifth grade, failed in arithmetic, and received C in reading and spelling and B in dictation and letter writing. The examining teacher marked the child as failed, but the principal of the school in which the examination was held gave her passing marks. At the issuing office the school record showed: Arithmetic C, dictation B, English B, and reading B. Records were also found of children who had progressed regularly through school, or were hurried only just before leaving, who had failed in the special employment-certificate examination and yet had received certificates.

#### ATTENDANCE REQUIREMENTS.

The requirement that a child must have attended school regularly 130 days during the 12 months next preceding his fourteenth birthday or during the 12 months next preceding his application for a school record means that a child must have attended school all but about 30 school days of an ordinary nine-months session either during the year preceding his fourteenth birthday or during the year preceding the date of his application for a school record. In other words, he must have attended school regularly, allowing for absence due to illness, accident, and other ordinary causes of irregularity. Such attendance, however, need not necessarily have been in the New York City schools. A child from New Jersey, for example, who had attended the schools of that State the required length of time would be granted an employment certificate, provided, of course, he had finished the sixth grade and had met the other requirements. Though the law does not so state, it has been interpreted by the issuing office in New York City to mean that the child must apply for a certificate



as soon as he is given a school record. A group of 14-year old children, who at one time had complied with the grade and examination requirements in a certain New York City school, received school records and then by common agreement did not apply for certificates. The principal notified the department of health and asked that certificates be withheld. Several weeks later, when the children applied for certificates, they were refused on the ground that their period of attendance had not occurred "next preceding" the time of application for a certificate. The children were obliged to return to school to fulfill the requirement.

### METHODS OF ISSUING SCHOOL RECORDS.

Wide differences exist in the advice given children with regard to going to work and in the methods of issuing school records. These differences are most evident in the first-class cities where each individual school principal determines the necessary procedure.

A recent survey by the Public Education Association<sup>1</sup> showed that in some New York City schools the principals believed that the matter of most importance in issuing a school record was to make sure that the parent was willing to have the child leave school, and often they took great pains to explain to the parent the significance of the change and attempted to persuade him to allow the child to remain in school. Before granting a record some principals caused a visit to be made to the home or required the parent to come to the school. One principal did not consult the parent at all, but was very careful to have the child secure proper evidence of age before going to the board of health. Still another principal took a personal interest in each child who presented himself for a school record and gave him a set of instructions designed to be helpful to him in going to work.

In another school the home of every child who had asked for a school record was visited, the parent interviewed, and an attempt made to find some way to keep the child in school. If it was decided that the child must go to work, instructions were given as to the necessary requirements of attendance, age, education, and physical fitness, and the child was taught, if necessary, to write a letter asking for a transcript of his birth certificate. The New York child-labor committee's pamphlet of information as to how to secure foreign birth certificates was used. The child was not granted a school record until he had brought a note consenting to his leaving school signed by his parent and had complied with all the educational requirements. He was therefore not delayed later at the issuing office.

One principal, on the other hand, stated that it was not the school's business to help the child obtain an employment certificate. He

<sup>1</sup> The description of procedure in New York City schools here given is based largely upon a report made by Miss P. K. Angell to the Public Education Association of New York City.



said he simply obeyed the laws and the rules to the letter, so that if any trouble arose about any child who left his school he would be able to defend himself. Another principal said she felt that her responsibility ended with reading the law to a child who applied for a school record.

In Buffalo, since January, 1915, principals of public schools, in response to requests from the vocational-guidance committee of the public schools, have required children who ask for school records to bring the written consent of their parents on a regular form on which the parent states the reasons for the child's going to work. Unless the parent signs this statement the child is not given a school record. Several parochial schools are cooperating in this movement. In some schools the principal also requires the parent's signature on the school record in the specified place before allowing the child to go to the issuing office, a procedure which later saves delay for the child.

Rochester children do not receive their school records until after they have met all requirements for certificates except the physical examination.

In the smaller cities the superintendent of schools rarely gives the child any instructions as to the legal requirements for obtaining an employment certificate. Sometimes, however, teachers or principals may give such instructions.

In Albany, Troy, and Little Falls a child is not granted a school record until he can prove to the superintendent of schools that he has already secured a promise of employment.

In New York City and Buffalo the records of children enrolled are kept in the individual schools; no central control is maintained over promotions; and when children receive records no central office is directly notified. In Rochester, on the other hand, duplicate records of the age, progress, and attendance of every child enrolled in the public schools are sent at the end of every semester to the office of the efficiency bureau. When a pupil leaves school for any cause his permanent record card is also sent. This card shows the child's ratings and attendance, as does the similar bureau of attendance card in New York City. In Troy, Little Falls, and Tonawanda the superintendent of schools has duplicate records of the grade, ratings, and attendance of every child enrolled in the public schools. These records are consulted when the child applies for a school record, so that the superintendent can ascertain for himself whether the child has complied with the educational requirements. In the other cities visited the superintendent, in countersigning the school record, accepts the statement of the principal.

In first-class cities the statements on school records issued by parochial schools are accepted as are those on records issued by the

public schools; and even in the second and third class cities, where careful supervision is generally maintained over the qualifications of public-school children, superintendents of schools accept the statements signed by executive officers of parochial schools.

### LITERACY TEST.

As previously stated, the law provides that the officer issuing a certificate must examine the applicant and "after making such examination shall sign and file in his office a statement that the child can read and legibly write simple sentences in the English language."

In New York City a Third Reader is used for this test, and from this reader sentences are dictated for the child to write. No reading test is given. Up to January, 1915, however, different tests were in use in the various borough offices and in some no test was given. During 1915, 79 applicants in New York City were refused certificates because of inability to pass this test. In Buffalo a Fifth Reader is used. The child is instructed to open at any place and read, and is also asked to write any sentence he wishes. In Rochester, in case the child appears illiterate or can not speak English, a problem in fractions is given. Otherwise there is no test. In Albany a test in reading was formerly used, but at the time of this investigation had been discontinued. In no other city visited was any literacy test given, nor were the majority of issuing officers aware that the law required one.

### EVENING AND CONTINUATION SCHOOL ATTENDANCE.

In first and second class cities only, evening-school attendance is required by law of boys who have not completed a grammar-school course. In these cities any boy between 14 and 16 years of age who has an employment certificate, but does not hold a school certificate showing that he has completed the course of study required for graduation from a public elementary school, must attend evening school for not less than 6 hours a week for a period of not less than 16 weeks a year.<sup>1</sup>

As for continuation-school attendance, the law provides that "when the board of education in a city or district shall have established part-time and continuation schools or courses of instruction for the education of young persons between 14 and 16 years of age who are regularly employed in such city or district," the board may require the attendance of any child who has not completed a grammar-school course and does not hold a certificate of graduation, unless the child is receiving elsewhere instruction approved by the board of education as equivalent to that given in the continuation school. The

<sup>1</sup> Education Law, sec. 622, subsec. 1. For the text of this section see p. 125.

required attendance must be from 4 to 8 hours a week for 36 weeks a year, and must be between 8 o'clock in the morning and 5 in the afternoon. Children attending part-time or continuation schools are exempt from evening-school attendance.<sup>1</sup>

To all children who attend evening, part-time, or continuation schools as required, certificates of attendance must be given by the school authorities at least once a month and at the close of the term.<sup>2</sup> The employers of children subject to compulsory school attendance are required to keep and to "display" in the place where the children are employed these evening, part-time, or continuation school certificates.<sup>3</sup> A penalty of \$20 to \$50 for the first offense and \$50 to \$200 for a subsequent offense is provided for failure on the part of the employer to have such certificates on file.<sup>4</sup>

Such is the law. In practice, evening-school attendance is enforced in some cities and not in others; in no place has part-time or continuation school attendance been made compulsory; and evening-school attendance certificates are issued in only a few places in the State and are rarely if ever demanded by inspectors or attendance officers.

In New York City evening-school attendance is believed to be a hardship for a child who works all day, and consequently no serious attempt is made by attendance officers to enforce the provision. At the time of this investigation instructions as to the requirement, however, were given to boys when they received their certificates at the issuing office. Recently a statement to the effect that attendance is required has been stamped on the certificates granted to boys who should attend evening school. In the evening schools, moreover, manual training shops have been maintained at great expense per pupil, and extra activities of various kinds have been tried in order to attract pupils of all ages. Nevertheless, during the school year 1914-15 only 4,093 "compulsory education pupils" were enrolled, and the average attendance of these was only 2,032.<sup>5</sup>

The course of study for evening schools in New York City is prepared by principals and educational experts and is approved by the board of superintendents. High-school, trade-school, and elementary-school courses are offered. Special provision for the boy who is required to attend is made in the elementary-school course, which comprises the work of the second half of the sixth to the second half of the eighth grade of the elementary day schools. Spe-

<sup>1</sup> Education Law, sec. 622, subsecs. 2 and 3. For the text of this section see p. 126.

<sup>2</sup> Education Law, sec. 631. For the text of this section see p. 128.

<sup>3</sup> Education Law, sec. 627. For the text of this section see p. 127.

<sup>4</sup> Education Law, sec. 628. For the text of this section see p. 127.

<sup>5</sup> New York City Department of Education: Seventeenth Annual Report of the City Superintendent of Schools; Report on Evening Schools for the Year Ended July 31, 1915, p. 92.



cial provision is also made for teaching English to foreigners. No fee is charged.

In Buffalo an effort is made to enforce evening-school attendance, not only of boys, but also of girls who hold employment certificates. One school in particular claimed to have no more difficulty with girls than with boys. But when parents refuse to send girls the cases are not followed up as are those of boys. At the first of each school year, individual evening schools try to interest children in their courses by sending out invitations to all those who were enrolled during the previous year. The courses offered are prescribed by the superintendent of schools and include English and business and vocational branches in addition to the academic course. An initial fee of 50 cents is required of all those enrolling, but if the student has attended regularly this fee is returned at the end of the school year. This requirement insures more regular attendance, and thus enables the school to do a higher grade of work than would otherwise be possible. The total enrollment of persons of all ages in the evening schools during the school year 1914-15 was 14,313. Of this number, 2,198 were working children.

In Rochester, as in New York City, the department of public instruction is not in sympathy with the requirement of evening-school attendance for employed children, and no attempt is made to enforce the law. Evening-school courses are offered, however, in English, stenography, citizenship, and along vocational lines. For enrollment in the elementary evening schools a fee of \$1 is charged, but this is returned at the close of the school year to those attending regularly. The number of pupils enrolled during the school year 1914-15 was 7,891, but of this number only 329 were children under 16 years of age.

In Albany, according to the superintendent of schools, evening-school attendance of all boys who hold employment certificates and have not finished the eighth grade is enforced. The superintendent states also that he attempts to make girls attend evening school, but that they are not followed up carefully. He makes an earnest effort to secure the cooperation of employers. A notice, for example, is mailed to them instructing them in the provisions of the compulsory education law and requesting the names of children employed.<sup>1</sup> Reports are also made to them of the progress and behavior of the boys they employ and of the failure of any such boys to attend regularly.<sup>2</sup> This system aids in keeping track of the children employed. The course of study is determined by the superintendent of schools, and the evening-school principal reports to him. The standard of instruction is similar to that of the day school, but is

<sup>1</sup> Albany Form 1, p. 164.

<sup>2</sup> Albany Form 2, p. 164.



somewhat simplified. Business and technical courses are offered in the evening high school, and in the evening grammar schools the same courses are given as in the day schools, including special instruction in English to foreigners. Vocational courses were added during the school year 1914-15, but these are not open to children under 16 nor to children without the equivalent of eight years' elementary-school education. No fee is charged for attendance at evening grammar schools, but a fee of \$1 is required for the high-school or vocational courses. This fee is later returned to the child if attendance has been fairly satisfactory.

At Troy evening-school attendance is enforced in the same way as is day-school attendance, and the standard of instruction is set by the superintendent of schools. But in neither Syracuse nor Utica has any serious attempt been made to enforce evening-school attendance, which is felt to be a hardship to a child working during the day. The superintendents prescribe the course of study to be followed, but no well-defined course is offered for a child under 16 years of age.

A few attempts at continuation-school instruction have been made in the first-class cities, but attendance has been voluntary and none of the classes conforms to the requirements of the law pertaining to continuation schools. In New York City part-time classes for children between 14 and 16 years of age exist in a few establishments. Instruction is under the auspices of the board of education, and, while employed in these particular establishments, children are required by their employers to attend. In Buffalo a continuation school for printers' apprentices under 16 years of age was established in 1912-13. Attendance is voluntary and, though the cooperation of employers was obtained at first, the school has not been a continued success. In Rochester a continuation class has existed since September, 1914, for girls between 14 and 16 years of age who are employed in one department of a certain button-making establishment. These girls, who are required by the firm to attend forenoons every other week while employed, receive general instruction in academic subjects and, when first employed, specific instruction in the work required at the factory. In September, 1915, a continuation class in salesmanship was formed of girls employed in department and specialty stores. This class meets in the forenoon 4 days a week and the term is 12 weeks. Trade schools and vocational classes which cooperate with employers exist not only in all the first-class cities but in other cities throughout the State.

### ENFORCEMENT.

The laws providing that children under 14 years of age shall not be employed and that children between 14 and 16 years of age shall have employment certificates when at work and shall attend school

when not at work are enforced principally by two sets of officials—local school authorities, who are mainly interested in keeping children in school; and inspectors of the State industrial commission, who are solely interested in seeing that children do not work illegally. Between these two authorities are interposed the officials of local health departments, who open the gates of industry to children and upon whose cooperation the other two agencies are largely dependent in their work.

The functions of local school authorities in enforcing school attendance are usually divided into three parts, the work of school principals and teachers, that of attendance officers, and that of school-census enumerators. As the appointment of one or more attendance officers is mandatory for every city, school district, and township in the State,<sup>1</sup> school principals and teachers rarely have any duties beyond keeping accurate records and making reports of attendance. Teachers in all schools, however, private as well as public, are required by law to keep accurate daily records of the attendance of all children under 16 years of age, and these records may be inspected or copied at any time by attendance officers or by other persons "duly authorized by the school authorities of the city or district." Any teacher, moreover, who does not "fully answer all inquiries lawfully made by such authorities, inspectors, or other persons," is guilty of a misdemeanor and liable to a fine of not more than \$500 or to imprisonment for not more than one year, or both.<sup>2</sup>

The duties of attendance officers relate, not only to children already enrolled in school who may drop out before they have passed the compulsory school age, but to any child in the community, enrolled or not enrolled, who is under 16 and is illegally absent from school. In order that attendance officers may be enabled properly to enforce school attendance they are given legal authority to enter, during business hours, factories and mercantile or other establishments and to examine the employment certificates and registers of children employed in such establishments.<sup>3</sup> They may arrest truants without warrant and deliver them over either to the teacher or, in case of habitual and incorrigible truants, to a police magistrate for commitment to a truant school. A report of the disposition of each child must be made to the school authorities. Anyone who interferes with an attendance officer in the discharge of his duties, or any employer who refuses to show him the register or employment certificates of children in his employ, is guilty of a misdemeanor and liable to a fine of not more than \$500 or to imprisonment for not more than one year, or both.<sup>4</sup>

<sup>1</sup> Education Law, sec. 632. For the text of this section see p. 128.

<sup>2</sup> Education Law, sec. 629; Penal Law, sec. 1937. For the text of these sections see pp. 127, 131.

<sup>3</sup> Education Law, sec. 633, subsec. 3. For the text of this section see p. 128.

<sup>4</sup> Education Law, sec. 634; Penal Law, sec. 1937. For the text of these sections see pp. 128, 131.

Attendance officers are mainly relied upon to locate children not enrolled in school, and inspectors of the State industrial commission are depended upon to see that children are not illegally employed. The law provides, indeed, that attendance officers *may* visit places of employment, but that agents of the industrial commission *must* do so.

Inspection for violation of the minimum-age and employment-certificate laws in factories throughout the State and in mercantile and other establishments in first and second class cities is, in fact, the duty of the industrial commission. "As often as practicable" factories must be visited by inspectors of the division of factory inspection,<sup>1</sup> and mercantile and other establishments in first and second class cities by inspectors of the division of mercantile inspection.<sup>2</sup>

In cities other than those of the first or second class but having 3,000 or more inhabitants the boards or departments of health or health commissioners are charged with the duty of enforcing the law relating to mercantile and other establishments. In these cities, however, the law does not provide that there "shall" be inspection but merely that there "may" be inspection.<sup>3</sup>

In all factories where women or children are employed and in mercantile establishments in first and second class cities where three or more women or children are employed a copy or abstract of the law relating to their employment must be posted on each floor.<sup>4</sup>

Inspectors and other officers charged with the duty of enforcement have authority to enter, at reasonable hours, any establishment mentioned in the law to look for children and to demand the production of employment certificates, together with a register of names, ages, birthplaces, and addresses of all children under 16.<sup>5</sup> All persons connected with these establishments must give the information demanded by an inspector; and no one may interfere with or obstruct an inspector in the performance of his duties.<sup>6</sup>

Penalties for violation of the child-labor law fall directly upon the employer, but for failure to send a child to school the parent is liable to a fine not exceeding \$5 or 5 days' imprisonment for a first offense and to a fine not exceeding \$50 or 30 days' imprisonment, or both, for a subsequent offense.<sup>7</sup> For failure on the part of the employer to have on file an employment certificate, or for any violation of the labor law for which no other penalty is imposed, a general penalty is provided

<sup>1</sup> Labor Law, sec. 56. For the text of this section see p. 118.

<sup>2</sup> Labor Law, sec. 59. For the text of this section see p. 119.

<sup>3</sup> Labor Law, sec. 172. For the text of this section see p. 124.

<sup>4</sup> Labor Law, secs. 99a and 173. For the text of the latter section see p. 125.

<sup>5</sup> Labor Law, secs. 56, 59, 76, 167, and 172. For the text of these sections see pp. 118, 119, 122, 124.

<sup>6</sup> Labor Law, secs. 43, subsec. 2, and 172. For the text of these sections see pp. 117, 124.

<sup>7</sup> Education Law, sec. 625. For the text of this section see p. 126.



ranging from a fine of \$20 to \$50 for a first offense to one of \$250 and 60 days' imprisonment for a third offense.<sup>1</sup> For failure to have on file the employment or school-record certificate required by the education law the employer is liable to a fine of from \$20 to \$50 for a first offense and from \$50 to \$200 for each subsequent offense.<sup>2</sup> For the employment of children under the minimum age the penalties are the same as for the employment of children without certificates.

### SCHOOL ATTENDANCE.

*New York City.*—Two principal methods of enforcing school attendance are used, the first consisting of reports of absences sent by the principals of schools to the bureau of attendance, and the second consisting of reports from all other sources. The first method obviously affects only children who are already enrolled in a city school. The second method affects all children of compulsory school age, whether or not they have ever been enrolled in any school in New York City. All children between 7 and 16 years of age who are absent from public school, unless the absence is excused or known to be legal, are reported by the principal, on the third day of absence, to the district supervisor of the bureau of attendance. If the child is known to be a truant, the principal must report the absence on the first day it occurs, and if he thinks best he may report any absence on the first day. The report of the child's absence is made on a quadruplicate form, one copy of which is kept by the principal; the others are sent to the district supervisor of the bureau of attendance. The attendance officer investigates, and if he finds the absence illegal returns the child to school as soon as possible. Even when he finds the absence legal he may reinvestigate if the child does not later return to school. In either case he reports to the main office of the bureau of attendance, where one copy of his report is filed. Two copies of this report are sent back to the principal, who keeps one as a record of the disposition of the case and returns the other to the bureau as a receipt. After 20 days of absence the principal either is directed to discharge the child or is notified that the case is being handled as a violation of the compulsory education law. A child who is so seriously ill that he can not return to school within three months may be discharged, upon a physician's certificate, to a "general suspense register"; but full particulars must be sent to the main office of the bureau of attendance. In case a child who is absent can not be located, the principal may apply, after 10 days, for permission to discharge him—pending further investigation—to the "general suspense register."

When a pupil transfers from one public school to another, he is given his permanent record card and a notice of transfer. The prin-

<sup>1</sup> Penal Law, sec. 1275. For the text of this section see p. 131.

<sup>2</sup> Education Law, sec. 628. For the text of this section see p. 127.



principal retains one copy of the notice and mails another copy to the main office of the bureau of attendance. The pupil presents his notice to the principal of the school he is entering, and the principal in turn notifies the bureau of the child's admission. The bureau then notifies the principal of the first school, and the child is discharged. But if at the end of 7 days no report has been received from the second school, the bureau investigates; and if at the end of 10 days the first school has not been notified of the child's admission to the other school, the bureau may direct the principal to discharge the child; or, if it fails to do so, the principal may discharge him and notify the bureau. The bureau continues its investigation of any case not definitely settled, even though the school has discharged the child.

The forms used by the bureau for reporting absences and transfers are distributed among all schools, parochial and private as well as public, and, though all parochial and private schools do not avail themselves of the services of the bureau in every case of absence, cooperation is said to be maintained with many of them. Pupils admitted to a public school from schools not cooperating are reported to the bureau as though from another city.

The school census, which later is described in full, is the principal method of detecting children of compulsory school age who have never been enrolled in any school in New York City. Cases of truancy discovered by census enumerators or school attendance officers, and any such cases which may be reported from outside sources, are handled exactly as are those reported by schools.

Beginning in an experimental district, the cooperation of the police department has been secured in enforcing school attendance. When a patrolman finds a child illegally on the street during school hours he takes him to the nearest school, delivers him to the principal, and receives a signed receipt.<sup>1</sup> If the child is not a pupil of the school to which he is returned, the principal notifies the district supervisor to send an attendance officer to take charge of him. A child who is excused from attendance because of physical illness or mental defect is furnished with an identification card to show attendance officers and patrolmen that he need not be returned to school. The child with an employment certificate, however, is not given an identification card, as he must be either at work or at school and therefore is not legitimately absent from school when not employed.

If a child in this experimental district is reported absent three times, even if found to be legally absent each time, he may be summoned with his parents for a hearing before the division supervisor; but this summons is not always issued, as in certain cases it may

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<sup>1</sup> New York City Form 23, p. 150.

appear that more patience should be used. These hearings are intended in general to aid in maintaining personal interest between the parents and children and the school authorities; to serve as a basis for administering relief in the way of clothing, if necessary; to ascertain whether or not the child should be committed to an institution or whether special treatment is needed; and to prevent, if possible, a court record against the child. During the hearing the details of the case are thoroughly canvassed and the parent is asked if he is willing to have the child, in case of further absence, committed to an institution. If so, the parent signs a statement consenting to commitment, and the child is paroled to the attendance officer, is transferred to another school, and, in case the offense is repeated, is sent to an institution. If the parent is not willing, the child is paroled as in the previous case, but if he is absent again the case is taken before the court of domestic relations as one of parental neglect. There the child may be once more paroled. But if the case is not disposed of at this court, or if necessary later, the child may be taken to the children's court, by which he may be committed to an institution.

*Buffalo.*—In Buffalo the enforcement of school attendance is divided between the permanent census board and the department of compulsory education. The individual principal devises his own means of reporting absentees and reports from time to time to the attendance officer assigned to his district. In some instances, by sending out postal-card notices, he attempts to interest parents in the regular attendance of their children. In the congested districts of the city the attendance officers call at the schools daily. As in New York City, all transfers between public schools are supposed to be reported to the permanent census board. And if within a reasonable time a return notice does not come from the school which the child is to enter, an employee of that board telephones to ascertain whether or not he is there. If not, the case is referred to the compulsory education department. All schools do not report transfers, and sometimes it is not known that a transfer has occurred until a notice comes in from the second school. No record of attendance or progress of children exists in any central office either while they are in school or after they leave.

*Rochester.*—In Rochester the permanent census board and the efficiency bureau jointly enforce school attendance. Cases of unexcused absence or of absence suspected by the principal of a public school to be illegal are reported daily by telephone to the permanent census board. This office reports these cases by telephone to the proper attendance officers, who investigate them. In addition, principals often notify attendance officers directly of absences.

When a child transfers from one public school to another, or from a public to a parochial school, the school he is leaving mails a transfer card to the school he is to enter, and the latter, if a public school, notifies the efficiency bureau whether or not the child appears. If he does not appear, or if the parochial school does not report, the bureau directs an attendance officer to follow him up. A further aid in keeping track of children in the public schools is the weekly roll call in each school for changes of address.

When for any reason a child leaves school, his permanent record card is sent to the efficiency bureau. If the cause is unknown, principals are instructed to report the case to the attendance officer and not to return the permanent record card marked "Cause unknown" until the officer's report has been made. The bureau can easily check up such cases to see whether the attendance officer has been notified. Thus the names of children who have left school on a school record, who have moved out of the city or to a new address, who have become 16 years of age and left school, or who have left for any other reason, are all reported to the office of the efficiency bureau. At the end of every semester the attendance and progress of every child enrolled in the system who has left is checked up with the permanent record card, and cases which have not been reported by schools during the year are then discovered.

The reports of work of the attendance officers, who follow up also the attendance of parochial school children, are filed in the office of the efficiency bureau.

*Second-class cities.*—Of the second-class cities, Albany and Troy have systems of daily reports by telephone of unexcused or illegal absences, which are followed up by attendance officers. In Utica absences are reported to the attendance officer during his regular rounds, but special calls are telephoned to him at the office of the superintendent of schools. In Syracuse, according to the attendance rules, "the principals of the several schools shall, within 24 hours, notify the attendance officers, in writing, regarding all unexcused absentees." Such reports may also be telephoned to the attendance officers each morning or at noon, when they are at the superintendent's office. But the rules allow a child to be out of school one day, and if he returns the morning after being absent he need not be reported. One principal said that she did not wait—as the rules prescribe—until the second morning to send this written report, but twice a day sent to the attendance officer a note containing the names of absentees from each session. Parochial schools sometimes cooperate in reporting absences, but generally do not.

A system of checking up transfers between public schools, but not between parochial schools or between public and parochial schools, exists in all the second-class cities visited.



*Third-class cities.*—Daily reports by telephone and investigations of absences are made in Little Falls and Tonawanda, and when children transfer between public schools the superintendent's office is notified. At Cohoes the officer visits every school once a week, follows up all unexplained absences at that time, and also locates transferred children.

*Villages.*—In Victory Mills, the only village visited, the attendance officer follows up a child the first day he is absent.

### SCHOOL CENSUS.

The duty of taking the school census, as has been seen, devolves in New York City on the bureau of attendance, in Rochester and Buffalo upon permanent census boards, and in the other cities, towns, and villages upon the local authorities in charge of the schools. Any parent or other person having charge of a child is liable to a fine of not more than \$20 or to imprisonment not exceeding 30 days for withholding or refusing to give information or for giving false information.<sup>1</sup> In Buffalo and Rochester the plan of census enumeration provided by law is based upon a census taken by the police commissioners under the regulations of the census board and constantly amended by information to be reported by parents directly to the police stations. In these cities it is the duty of persons in parental relation to children between 4 and 18 years of age to report certain facts in regard to such children "at the police station house of the precinct within which they severally reside." Thus removals from one police precinct to another or from one school to another, new arrivals in the city, the fact that a child is shortly to become of compulsory school age, and the fact that a child has gone to work, must all be reported to the police and by them to the school authorities.<sup>2</sup>

The results of a school census have no relation in New York, as in some States, to the distribution of State school moneys, which is based on the number of duly licensed teachers.

*Outside of first-class cities.*—While a permanent census board may be established in any city in New York State, no city not of the first class has such a board. The law provides that if a board does not exist, then, in October of every fourth year beginning in 1909 the school authorities of every city of the second and third classes shall take a census of all children between 4 and 18 years of age, including information in regard to the employment and school attendance of children similar to that gathered in the cities maintaining a permanent census board.<sup>3</sup> Although this census is used to check the

<sup>1</sup> Education Law, sec. 653. For the text of this section see p. 130.

<sup>2</sup> Education Law, sec. 650. For the text of this section see p. 129.

<sup>3</sup> Education Law, sec. 651. For the text of this section see p. 130.



school registration, it is taken so seldom that it is but little aid in the regular enforcement of attendance laws. In villages and school districts outside of cities the board of trustees is required to take annually, on the 30th of August, a census, including the same points, of children between 5 and 18 years of age.<sup>1</sup> A copy of this census is filed with the teachers in these districts, so that it may be checked with the registration.

*Permanent census, New York City.*—In New York City the census is taken by the attendance officers, who enumerate all children under 18, including even those under 4 years of age.

The census is taken by blocks; a family card is used for facts as to each child's physical condition, literacy, school attended and grade attained.<sup>2</sup> No index or individual identification card is kept. If the child is employed, the employment certificate number is taken and a note is made of the last school attended. Information regarding positions is taken on an individual schedule<sup>3</sup> but, as it is frequently obtained from the parent, may not always be accurate. If a parent does not know where a child is working, a postal is left to be filled in and mailed to the board or given to the enumerator at another time.

In the course of enumeration children are frequently found who need special attention but might not otherwise be located. Their names are all recorded on the daily reports of the officers<sup>4</sup> and are later reported to the departments or agencies responsible for their care. Children found illegally absent from school are reported to the district supervisor of the bureau of attendance and are dealt with like other truants. Among such children are those staying at home either with or without employment certificates, boys working during the day and not attending evening school, and foreign-born children who have never been enrolled in any school.

Policemen have been cooperating in the census, experimentally at least, by reporting to the bureau of attendance changes of address of families in their precincts.<sup>5</sup>

*Permanent census, Buffalo.*—In Buffalo no enumerators are employed regularly in the field taking the census, but whenever it is taken 60 policemen are transferred from their regular beats and work, until the city has been canvassed, under the direction of the secretary of the permanent census board. Three regular canvasses were made from 1909 to 1914. The census is taken by blocks, as in New York City, and a special census card<sup>6</sup> is used. This card calls for information as to birthplace, date of birth, school attended, employment and literacy of the child, and nativity of the parents.

<sup>1</sup> Education Law, sec. 652. For the text of this section see p. 130.

<sup>2</sup> New York City Form 24, p. 151.

<sup>3</sup> New York City Form 25, p. 152.

<sup>4</sup> New York City Form 26, p. 153.

<sup>5</sup> New York City Form 27, p. 154.

<sup>6</sup> Buffalo Form 5, p. 160.

All this information for each child is transcribed to a regular record card.<sup>1</sup> The cards are filed by school districts or under the names of private schools, the records of children 4 to 6 years of age being kept separate from those of children 7 to 18 years of age. Moreover, to aid in locating the child's record card, an identification card, which indicates the school district or private school, is also made out for each child.

A complete list of children registered is sent in once a year from all schools, and new names are sent in as they are registered. Parochial schools, it is claimed, report more promptly and fully than public schools, and the dates on registration lists and transfers on file in the office bear out this statement.

No constant canvass is maintained during the year, but the 632 policemen of the city are expected to report the names and addresses of all families moving into their respective districts. In addition, the moving-van companies are asked to report the names and addresses of families moved by them, and are furnished with blank forms<sup>2</sup> for this purpose. Cooperation along this line has been fairly successful.

During the regular canvass a child found staying at home or working illegally is reported on a truancy card<sup>3</sup> to the chief of compulsory education, and a duplicate record of each case is kept in the office of the permanent census board. When such a child is located the card is returned with a notation showing the disposition of the case. No limit is placed on the time for reporting each child, as it often takes weeks or months to force him back into school. The chief of compulsory education believes that the important thing is to locate and deal with the child rather than to make a report to the census board which will make its records complete.

The secretary of the permanent census board sends a monthly report of its work to the board and to the chief of the State attendance division at Albany. This report covers such points as number of changes of address, new registrations, new arrivals in the city, and sources of information.

The office files of the census board are used to some extent by inspectors of the department of labor or officers of other agencies for locating and proving the ages of children.

*Permanent census, Rochester.*—In Rochester six policemen are engaged continually in taking the census of children 4 to 18 years of age. The census is taken by streets; and the individual card<sup>4</sup> requires information as to birthplace of parents and child, date of birth, proof of age, employment, physical condition, school, and grade, and on the back of it is kept a record of the employment

<sup>1</sup> Buffalo Form 6, p. 160.

<sup>2</sup> Buffalo Form 7, p. 160.

<sup>3</sup> Buffalo Form 8, p. 161.

<sup>4</sup> Rochester Form 2, p. 162.

if the child is at work. For every child whose name appears on an original card an index or identification card, which is an exact copy of the original card, is made out. The addresses of children on these cards are kept constantly up to date.

When a child is found staying at home illegally or working without a certificate the memorandum of such fact is transferred from the original record card to another form,<sup>1</sup> one copy of which is kept in the office of the board, while the other two are sent to the attendance officer, factory inspector, mercantile inspector, or whoever should take charge of the case. When the officer has disposed of the case he reports back to the office of the board on one of the slips. This slip is filed and a duplicate record of each case is also kept by the secretary of the permanent census board.

Often a parent can not tell where a child is working or what his occupation is. In such a case a sheet of instructions and a postal card are left at the house by the police officer or mailed to the parent from the office. The postal card is to be filled in by the parent or child and mailed to the office, where the information is copied on the original record card.

Each year the census board copies, from the records of the efficiency bureau, complete lists of children registered in the schools, and, from time to time during the year, adds the new names which have been registered. The enrollment lists sent in from the public schools are complete and accurate, but often the parochial-school lists are not.

Twice a week the census board has the transfers occurring in the public-school system copied from the records of the efficiency bureau and the information secured added to the original record cards. The address given on the transfer card is noted on the original record card, but the old address is not changed permanently until a policeman has found that the family is actually living at the new place.

Reports concerning new families sometimes come to the office from other sources than police officers. The name and address of any such family are listed on a special form and given to the proper police officer when he canvasses the street on which the family is reported to live. When a family concerning whom there is no record in the office of the board is reported to have children, the police make a special call to inquire. If such a family is reported to be moving, the police go both to the new and to the old address.

A daily report in duplicate is required of each police officer, one copy of which goes to the captain of the precinct and the other to the chief of police. A report on each street is also made as soon as the canvass of the street is finished. The information on these last reports is transferred to a regular form for a monthly report for the entire city.

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<sup>1</sup> Rochester Form 3, p. 163.



These monthly reports, and also the reports concerning transfers and new registrations copied from the records of the efficiency bureau, are used in the monthly report which the secretary sends to the permanent census board and to the chief of the State attendance division at Albany.

The board constantly receives from agencies and persons interested in children requests for information regarding specific children. A record is kept of all such information given.

### IMMIGRANT CHILDREN.

The industrial commission is required by law to procure, with the consent of the Federal authorities, complete lists of the names, ages, and destinations within the State of New York of all "alien" children of school age and to furnish copies of these lists to the school authorities in the localities to which the children are destined, in order to aid them in enforcing the compulsory school-attendance law.<sup>1</sup>

In actual practice the United States Immigration Office at Ellis Island at irregular intervals sends to the school authorities throughout the State the names, ages, nationalities, and intended addresses of children of school age arriving from foreign countries. In New York City, even though these reports come frequently to the bureau of attendance, the enumerators often find it impossible to locate the families because the addresses given do not exist, or are incorrect, or merely temporary, as families may stay only a few days in the city on their way to another part of the country.

A child who comes to this country without his parents is admitted only if some responsible person signs a bond to take care of him until he is 16 years of age. These "bonded" children are more easily located than ordinary immigrant children, as they are not allowed to work but are obliged to attend day school until they are 16 and reports of their attendance must be sent every three months to the New York office of the United States Immigration Service. The bond states that the signer shall make this report, but in New York City the permanent census board ascertains these facts and reports regularly to the United States immigration authorities.

Bonded children obviously can not so easily escape the census board's enumeration as can those who arrive with parents or relatives, and who, if they claim to be 16, can easily enter industry and may never be found by the enumerator. The only hope of placing such a child in school would be that the industrial inspector might by chance discover him in the course of an inspection and challenge his age.

In Buffalo lists of immigrant children are sent to the compulsory-education department and in Rochester to the permanent census

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<sup>1</sup> Labor Law, sec. 153, subsec. 2. For the text of this section see p. 124.

board; but to these cities the lists are sent only occasionally when a considerable number of children have been recorded as bound for a single city, and owing to this delay the attendance officers frequently find it impossible to locate them. In the smaller cities such reports are sent from time to time to the superintendent of schools.

#### APPLICANTS FOR CERTIFICATES.

*New York City.*—Daily reports of all children who receive or are refused certificates are sent by the bureau of child hygiene to the bureau of attendance. The reports of those who are granted certificates are made out in triplicate and include the name, address, and date of birth of each child, the school attended, the grade, the date of issuance, and the certificate number.<sup>1</sup> One copy is sent to the bureau of attendance and the other two are filed. At the end of each month a set of these daily reports is mailed to the industrial commission, to be used for statistical purposes. When the bureau of attendance receives notice that a child has been granted an employment certificate it notifies<sup>2</sup> the school which he has attended to that effect, and the school, unless the child is to work only after school hours, may then take his name from the register. The principal, however, is required to report back to the bureau that its notice has been received and to give, if possible, the name and address of the employer. Fifteen days after a child has been reported as having obtained a certificate, unless meanwhile a notice has been received that he has reentered school, an attendance officer visits his home or the place where he is supposed to be employed to see whether or not he is at work. If not at work, the child is returned to school immediately, unless in the judgment of the officer he ought to be given more time to search for work. In the latter case the officer later revisits the home, and if upon repeated visits he finds that the child has not secured employment and refuses to attend school, the child and parent are summoned to a hearing where the details of the case are inquired into. After this hearing the child may be given additional time to search for work, or the officer may be instructed to return him to school immediately.<sup>3</sup>

Reports to the bureau of attendance of children who are refused certificates are made out in quadruplicate for each child, and include the name and address, the name of the parent, the date of birth of

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<sup>1</sup> New York City Form 28, p. 154.

<sup>2</sup> New York City Form 29, p. 155.

<sup>3</sup> A boy and his mother were summoned to a hearing because the boy could not obtain work and was not at school. The testimony showed that his attempts to get work had been fruitless. The boy was referred to a woman who promised to make every effort to secure him employment; the attendance officer was instructed to follow up the case and report again, and the boy and his parent were told that in a short time, unless he found employment, the boy must return to school.

the child, and the cause of refusal.<sup>1</sup> One of these is filed at the central office of the bureau of attendance; the others are sent to the proper district office. The district supervisor sends one of these three to the school which the child attends, files one, and gives the other to an attendance officer. After the attendance officer has investigated the case, his copy of the report is returned to the central office to be placed in a tabulation file. Children refused because of physical defects are followed up<sup>2</sup> both by the school nurse and by the attendance officer.

Within the division of employment certificates in New York City, under the supervision of the chief, a system of reports is maintained which tends to make the procedure uniform and the work of the offices comparable. Each borough keeps a daily record of cases handled, and at the end of each week summarizes these records in a weekly report<sup>3</sup> to the chief of the division. These reports show the number of applications made and of certificates granted, refused, and pending, and a detailed classification of the reasons for refusal. From them the chief compiles on the same form a weekly report for the city, which he sends to the director of the bureau of child hygiene. A similar report of certificates granted, expired, and in force is sent at the end of each quarter from the borough offices through the chief of the division to the director of the bureau of child hygiene.

*Buffalo.*—When a principal grants a school record he is supposed to send a notification by postal card<sup>4</sup> to the permanent census board. This notice, which gives the age of the child and the parent's name, is destroyed when the report is received from the department of health that the child has obtained a certificate. A clerk of the permanent census board goes to the issuing office daily for the names and addresses of all children granted or refused certificates. These cases are reported on regular blanks<sup>5</sup> provided for that purpose. For children refused certificates, as for children found illegally absent from school, truancy cards are filled in and sent to the chief of compulsory education, and attendance officers follow up the cases. For those receiving certificates no reports are made to the chief of compulsory education, nor is the individual principal sent any notice whatever of children who have received or been refused certificates. At the office of the permanent census board the regular record cards of children who have received certificates are filed separately in a "labor-certificate" file and are easily located. If a postal-card notice of the issuance of a school record has come in and the child does not apply for a certificate

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<sup>1</sup> New York City Form 30, p. 155.

<sup>2</sup> New York City Form 31, p. 155.

<sup>3</sup> New York City Form 32, p. 156.

<sup>4</sup> Buffalo Form 9, p. 161.

<sup>5</sup> Buffalo Form 10, p. 161. The forms used for listing granted or refused certificates differ so slightly that only the former is shown.



within a reasonable time, the school is notified by telephone and the principal may ask the attendance officer to investigate the case.

*Rochester.*—Whenever a child is granted a school record a postal-card notification<sup>1</sup> is sent by the principal of the school to the efficiency bureau, and if the child intends to leave school to go to work his permanent record card is also sent. The bureau of health telephones to the efficiency bureau at irregular intervals—daily during the busy season and once or twice a week at other times—the names of all public-school children who have received employment certificates and the school each child attended. These names are checked up in the office of the efficiency bureau with the records sent from the schools, and after an interval of ten days or two weeks the names of children whose permanent record cards have been received and concerning whom no report has come from the health bureau are reported to attendance officers. The child who receives an employment certificate for work after school and on Saturdays is treated like any other child so far as attendance is concerned. The checking of the registers with the permanent record cards in the enforcement of school attendance already discussed is a further aid toward preventing public-school children from dropping out of school and working illegally. But the system does not provide for finding the parochial-school child who stays out of school after receiving a school record and does not apply for a certificate.

The name and address of every child who has been refused or has received a certificate are procured each week from the issuing office by an employee of the permanent census board. A child who has been refused a certificate is followed up by an attendance officer, and cards containing the names of all the children who have received certificates are filed separately in the office of the permanent census board and are used by the attendance officers from time to time to ascertain what children have certificates. Thus all children from public and parochial schools alike and all newcomers to the city who are refused or granted certificates are checked up.

At the beginning of each school year the attendance officers are given the names of all children who requested school records but did not call for them during vacation and have not reported at school. They are followed up to see that they return to school or secure employment certificates, and the disposition of these cases is reported to the efficiency bureau.

*Second-class cities.*—No reports are made by the bureaus of health to the school authorities in the second-class cities studied. Hence there is no way of knowing from that source which children have certificates and which have not. In all these cities, except Syracuse,

<sup>1</sup> Rochester Form 4, p. 163. This card is also used to report changes of address within a district.

superintendents keep lists of all children to whom they have granted school records. In Syracuse the individual principals issue the school records, and therefore the losses to the school system as a whole can not be checked up until each principal's report is sent in at the end of the year.

*Third-class cities.*—In the third-class cities included in this study no regular system of reporting is maintained between health officers and superintendents of schools, but it is said to be comparatively easy to discover children who are illegally employed. In Little Falls and Tonawanda separate files of children who have received school records are kept in the office of the superintendent of schools, so that such children can easily be located. And in Little Falls, when the health officer has temporarily or permanently refused a child a certificate, he informs the superintendent so that the child may be expected at school.

#### UNEMPLOYED CHILDREN.

Local attendance authorities are responsible for the attendance at school of a child who is not at work. Since he must be at school when not lawfully and regularly employed, it is evident that a child who has received an employment certificate but has not succeeded in getting a job or has lost his job must return to school. But no machinery is provided in any New York law for enforcing such a requirement; and since the certificate is issued to the individual child, is returned to him when he loses employment, and is regarded as his property, it is difficult to provide for his return to school when unemployed. Furthermore, the law does not require that the child must be promised employment before he receives a certificate. As a result, an unemployed child—except in small communities where it can readily be known that he is out of work—is generally on the streets or staying at home. Even if he is found by an attendance officer, the production of an employment certificate and the statement that he is searching for work will usually exempt him from school attendance.

When a child in New York City receives his certificate the bureau of attendance makes a serious attempt to see that he either goes to work or returns to school. But after the child has gone to work the bureau has no means of knowing whether he keeps his job or whether, having lost it, he remains idle or goes back to school.

In the fall of 1914 the bureau of attendance, in cooperation with the largest elementary school in New York City, started a continuation class for unemployed boys over 14 years of age. The class was advertised in the surrounding districts, and boys were invited to come. Attendance was voluntary, and during the first term 81 boys, ranging in age from 15 to 18 years, attended. Only a few of these boys, and only 3 out of about 80 enrolled during the second term,

were under 16 years of age. Instruction is given in academic and commercial subjects and shopwork. The boys are also advised as to suitable vocations, and some efforts are made at placement.

In Buffalo an attempt is made, through the vocational-guidance committee of the public schools, to follow up from time to time children who have applied for positions, to learn what they are doing; and at times children out of work are persuaded to return to school. In Albany it is the plan of the superintendent to ascertain, at the time of granting the school record, where the child is going to work. If the evening-school principal in his daily reports shows the absence of a boy who has received a school record, the attendance officer goes to the place where the child has said he was employed. If the boy is working without a certificate, he is returned to day school. If working legally, he is ordered to attend evening school; and if his absence continues, he is followed up in the same way as though attending day school. In Troy a similar plan is followed during the time evening schools are in session. Girls, after they have once received certificates, are not followed up in either Albany or Troy. Ordinarily, moreover, there seems to be no way in either of these cities of preventing boys from attending evening school and loafing during the day.

In none of the other cities visited is provision made for the unemployed child. In Utica and Syracuse a child who has received an employment certificate is no longer obliged to go to school, whether or not he goes to work, and no serious attempt is made to follow up children with certificates or to enforce evening-school attendance. One superintendent frankly stated that he regarded an employment certificate as a permit to leave school and the school's responsibility as ending with the issuance of the school record.

#### INDUSTRIAL INSPECTION.

The procedure adopted by inspectors of the industrial commission is similar for factories and for mercantile establishments. In a small establishment or one of ordinary size the inspector, before going through the workroom, secures the certificates at the office, compares them with the names on the register, and on his rounds tries to locate each child. In an exceptionally large establishment, where many children are employed, an inspector does not identify each child with a certificate, but merely tests a sufficient number to assure himself that it is not customary for children to work without certificates in that establishment. The certificates on file are stamped with the inspector's name and with the date. Some representative of the firm usually accompanies the inspector on his tour of an establishment.



Whenever during his rounds the inspector sees a child whom he suspects of being under 16, he has the child sign his name on the first line of one of the forms<sup>1</sup> which he carries in a book for that purpose, and then looks over the certificates to see whether he has one for that child. If he finds the certificate, he compares the child's signature on it with that in the inspection book and enters the other facts required, particularly questioning the child as to the time of beginning and of ending work. If he does not find the certificate, he asks the child his age and the date of his birth. When the answers to these questions indicate that the child is under 16, or when the inspector doubts their truth, he has the child proceed to work in his presence and secures—both from the child and from the employer—the name of the person immediately responsible for the child's employment. If the child is admittedly under 16, the inspector orders him to procure a certificate or, if he is under 14, to return to school, and orders the employer to discontinue his employment until he has brought a certificate.

If, however, the inspector is in doubt concerning the child's age, he may require the employer either to furnish within 10 days satisfactory evidence that the child is over 16 or to discharge him. A notice<sup>2</sup> requiring an employer to furnish evidence of age may be served personally or by mail. In practice some inspectors serve it directly upon the employer as soon as a suspected case is discovered. Others simply tell the employer that a certain child appears to be under 16 and that his age must be proved, and proceed to secure whatever evidence of age is available. In the former case the child must be discharged in 10 days if his age is not proved; and in the latter more time may be allowed to send for documentary evidence of age. The evidence of age required may be, according to law, the same as that required for the issuance of an employment certificate. The papers constituting this evidence are filed with the industrial commission, and any person guilty of making a materially false statement in such papers is liable to a fine of not more than \$500 or to imprisonment for not more than one year, or to both.<sup>3</sup> Physicians' certificates of age are accepted, and examinations for such certificates may be given by two physicians of the department of health. According to law, if an employer fails to produce within 10 days satisfactory evidence of age and yet continues to employ the child, proof that the notice was given and that the evidence was not produced is *prima facie* evidence in any prosecution that the child is under 16 and is unlawfully employed.<sup>4</sup> But if no formal notice has been given, the

<sup>1</sup> Form 3, p. 135.

<sup>2</sup> Form 4, p. 136.

<sup>3</sup> Labor Law, secs. 76 and 167; Penal Law, sec. 1937. For the text of these sections see pp. 122, 124, 131.

<sup>4</sup> Labor Law, secs. 76 and 167. For the text of these sections see pp. 122, 124.

child is allowed to work until his age is proved; and the employer incurs no additional risk of prosecution unless he continues to employ illegally a child who has been shown to be under 16 years of age.

When a child tells an inspector that he is working illegally or when a violation is discovered in any other way, unless the employer is a repeated offender, the case is generally not referred to counsel until after a subsequent visit. If, however, the violation concerns a child under 14 years of age, no leniency is shown and the case is sent at once to counsel. In bringing cases for prosecution the child's statement of his illegal employment is not used as a basis of evidence, but the individual inspector must see the child actually employed illegally.

The accompanying table shows data for several years concerning the inspection of mercantile establishments, in so far as children are concerned:

*Inspections in mercantile establishments covered by section 161 of the Labor Law.<sup>a</sup>*

Year.	Number of inspections.	Number of children employed.				
		Total.	Legally.	Illegally.		
				Total.	Without certificates.	Under age.
1900.....	7,235	6,070	2,949	3,121	2,365	756
1910.....	5,236	4,832	2,461	2,371	1,660	711
1911.....	5,282	3,828	2,253	1,575	1,154	421
1912.....	8,395	4,925	2,823	2,102	1,346	756
1913.....	12,800	6,794	4,034	2,760	1,820	940
1914.....	24,808	7,494	4,887	2,607	1,761	846

<sup>a</sup> Figures taken from the Annual Report of Commissioner of Labor, New York State, 1914, p. 86.

Although inspections for child labor alone are sometimes made, yet in a general inspection the detection of illegal child labor is but a small part of the inspector's duties. Inspection must also be made for hours of labor of women, safeguards on machinery, sanitation, and protection from fire.

Inspectors record, on a factory-inspection card<sup>1</sup> or a mercantile-inspection card, information concerning an establishment received during their tours of inspection. Violations of the child-labor law are recorded on a child-labor form,<sup>2</sup> and cases of employment during illegal hours are given on the reverse of the same form. Each day reports of the work of the previous day are sent to the main office. Factory inspectors in New York City report to the office in the city; those in other parts of the State to the Albany office; and all

<sup>1</sup> Form 5, p. 137. The factory inspection form and the mercantile inspection form differ so slightly that only the former is shown.

<sup>2</sup> Form 6, p. 138.

mercantile inspectors to the main office, in New York City. When cases of violation of the child-labor law in factories are to be referred to counsel, the child-labor violation cards are kept in the offices of the supervising inspectors in different parts of the State until the counsel's action on them is completed. They are then sent to the Albany office. All violation records of mercantile establishments are examined by the chief mercantile inspector, who decides whether the facts proved justify sending cases to counsel.

The accompanying table shows, for the year ended September 30, 1914, the number and results of prosecutions for violations of the labor law concerning children in factories and in mercantile establishments.

*Number and results of prosecutions for violations of the Labor Law, year ended Sept. 30, 1914.<sup>1</sup>*

Place of employment, age of child, and cause of prosecution.	Number of cases.					Amount of fine.
	Total.	Pending.	Dis- missed, acquit- ted, or with- drawn.	Convicted.		
				Sentence sus- pended.	Fined.	
In factories:						
Under 14 years.....	37	1	19	14	3	\$60
From 14 to 16 years—						
a. Certificates.....	108	6	22	61	19	385
b. Hours.....	191	3	12	91	85	1,945
c. Prohibited occupations.....	7	1	1	4	1	20
In mercantile establishments, etc.:						
Under 14 years.....	216	10	10	161	35	770
From 14 to 16 years—						
a. Certificates.....	208	8	24	148	28	650
b. Hours.....	154	1	16	107	30	695

<sup>1</sup> Figures compiled from the Annual Report of Commissioner of Labor, New York State, 1914, pp. 70, 71, 74, 75, 96, and 97.

In the third-class cities visited no health officer, when this investigation was made, had ever inspected a mercantile establishment for woman and child labor. One officer stated frankly that it was impossible for him to find time for this work. Another stated that he had repeatedly called the attention of his board to this provision, but that it had not authorized him to inspect establishments. A third, who had been a health officer for 25 years, was not aware that such inspection was one of his duties.

### CONCLUSION.

The exact application of the New York minimum-age and employment-certificate laws is so complex and technical a subject that its discussion has been placed in the appendix. But the evident intent of the law is that children shall not be employed until they are 14 years of age, except boys over 12 in the gathering of produce; and that employed children from 14 to 16 shall hold employment certificates, or in certain



occupations in the smaller cities school-record certificates. And in practice agriculture and domestic service are the only occupations in which any large number of children are employed under 14 years of age or under 16 without certificates.

That the law, however, accomplishes its intent by means of a complicated and in part overlapping series of provisions, applying to different places of employment and to cities and villages of different sizes, presents a problem which can be solved only by the bill drafter, not by the administrator. All labor laws should be so clear and simple that at least their main points can be readily understood, not only by lawyers but certainly by all persons who are charged with their administration, and, if possible, by all persons who must conform to their provisions. As is shown in the appendix <sup>1</sup> the New York child-labor laws fail to meet this fundamental requirement of good labor legislation.

*General administration.*—The division of authority over the administration of the employment-certificate laws of New York State is unusual in three respects: First, New York is the only State in which health officers issue employment certificates; second, it is the only State in which health officers are given authority in certain cities and villages to inspect establishments for violations of the child-labor laws; third, it is the only State in which a State department of labor is given supervision both over the work of local health officers in issuing employment certificates and, so far as blank forms determine procedure, over the work of local school authorities in issuing school records to children. The unique feature of the New York system, indeed, is the prominent part played by local health officers.

The reasons for placing the burden of decision as to a child's fitness for work upon health officers rather than upon school authorities are stated to be, first, the need of having the issuing officers immediately accessible to the birth records; second, the fact that in the health department machinery and equipment for giving physical examinations already exist; third, the desire to avoid the feeling which might arise if any one set of school officials should issue certificates; and, fourth, the belief that the health officers act as a check upon school authorities who may wish to get rid of backward or disorderly children.

The present method is believed to insure a thorough physical examination and to evade the pressure brought to bear by parents upon teachers, principals, and superintendents to permit their children to go to work. It is believed that health officers, because generally not brought in such direct contact as school authorities with the children and their families, are better able to withstand the urgent entreaties of needy parents and to decide ultimately

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<sup>1</sup> See p. 111.

whether or not a child shall be given an employment certificate. It is also believed that—at least in New York City, where the schools are overcrowded and the classes so large as to strain the teachers' powers to the utmost—school authorities may yield to the ever-present temptation to allow stupid or troublesome children to leave school for work even though they have not fulfilled the educational requirements of the law. And the fact that, in 1915, 79 children who brought school records showing completion of the sixth grade were refused certificates because unable to read from a Third Reader seems to prove this belief true.

The result of placing the responsibility of issuing certificates upon local boards of health is undoubtedly to emphasize the physical examination. So far, however, as the educational requirements are concerned, it is difficult to see that this division of responsibility creates any materially greater degree of protection for the child in certificate offices of New York State than in those of other States where the school authorities who issue certificates are permitted to give applicants an educational test. The health officer in New York State himself must certify to the child's age and physical condition. He must certify also that the child "can read and legibly write simple sentences in the English language." Because of this provision of law children are given an educational test in New York City and in Buffalo, but in no other of the certificate offices visited. Moreover, a child in the third grade might be able to "read and legibly write simple sentences in the English language," and the only evidence ever required that the child has completed the sixth grade is the school record, which is issued by the school authorities and which, if "properly filled out and signed," must be accepted without question by the agent of the board of health who issues certificates. In other words, though the health officers can refuse certificates to children who are totally unable to read and write simple sentences in English, they have no power to prevent children from going to work without having fulfilled the real educational standard set by the law—completion of the sixth grade. Moreover, even health officers may not be immune from political and personal pressure to permit children to go to work.

Conditions, possibly temporary in their nature, appear to have made necessary in New York this division of responsibility for the child's entrance into industry. There are, however, three objections to the system. The first and most important is that divided responsibility is likely to mean a weak sense of responsibility in both agencies. The second is that the complete removal of the child at this critical stage in his life from the jurisdiction of school authorities who have thus far been the greatest influence in his life outside the home is

very likely to widen the tremendous gap that separates his school from his working life. And the third is that, by taking from the school all responsibility over the child and thus causing it to lose interest in him as soon as he leaves its doors, this removal tends to make much more difficult the serious constructive problem of how best to bridge this gap between learning and doing—between school and a gainful occupation.

In deciding whether or not a child shall go to work little discretion is given to either school or health authorities. The school authorities must issue school records to all children who are qualified. They are, it is true, sole judges of whether or not a child has actually met the educational requirements of the law for a school record, and must issue a school record only after "due investigation and examination." But if a child has completed the sixth grade, and has attended school the requisite number of days, the school record must be issued, under a strict construction of the law, "on demand," regardless of whether or not the child intends to secure an employment certificate and go to work. In other words, though a child under 16 must go to school unless he is "regularly employed," the law makes it difficult for the school authorities to say that he shall be given a school record only after he has secured a promise of employment.

As for the discretion given to health officers to withhold certificates in individual cases, the law provides that a certificate "shall be issued" on application of the child's parent, but that it shall not be issued until the school record and legal evidence of age have been "received, examined, approved, and filed" and the child has been examined and has been found to be "in sound health" and "physically able to perform the work which it intends to do." Over the school record the issuing officer has no control whatever, except to see that it is "properly filled out and signed." As for evidence of age, he must accept birth certificates, certificates of graduation accompanied by school records, passports, or baptismal certificates unless he has reason to suspect their validity, but any other evidence of age not only must be valid but must be of a kind that he considers "satisfactory." In most cases he is allowed probably his greatest degree of discretion in determining whether a child's physical condition justifies him in granting a certificate.

Another weakness in the method of administration specified in the employment-certificate laws of New York lies in the fact that, except in factories, no uniform method of enforcement throughout the State is provided. Local school-attendance officers, it appears, must enforce not only the provisions of the education law relating to school attendance but also certain of those relating to employment and school-record certificates. The labor law is enforced in factories



throughout the State by factory inspectors and in mercantile and other establishments in first and second class cities by mercantile inspectors of the State department of labor. But outside of first and second class cities inspection for violations of the mercantile law is a power, not a duty, of local health officers, with no provision whatever for State supervision. For the inspection of mercantile and all nonfactory establishments in places of less than 3,000 inhabitants, moreover, no provision is made in the law.

The most serious defect in the administration of the New York child-labor laws, however, is probably the lack of supervision by any State agency adequate to insure uniformity in methods and standards. The State department of education has supervision over school attendance and over the educational requirements for a certificate. It prepares the form of school record to be used, and this form is approved by the State industrial commission. But as a matter of fact, when this investigation was made the school records used in 1 of the 6 second-class cities and in 6 of the 24 third-class cities from which reports were received differed in some important respect from the approved form.

The supervision over the issuing of employment certificates given by the law to the State industrial commission apparently might be made effective, but it has not been so in actual practice. Though since October, 1913, the department has had access to all records in issuing offices and has had authority to inquire into methods of issuing certificates, its reorganization in that year and again in 1915 when it was placed under the jurisdiction of the newly created industrial commission has tended seriously to delay the practical exercise of its powers of supervision. Even the reports of certificates issued and refused and the physical-examination blanks which the law states must be sent every month to the department of labor are sent by many offices irregularly; and when they do not come the department does nothing until the end of the year, when it notifies the health officer to send them. As for the power of the department of labor to require physical examinations of children at work and to revoke certificates on the basis of such examinations, this is rarely used.

*Methods of securing certificates.*—Owing to the complexity of the law and to the lack of State supervision, the procedure that the child is obliged to follow in order to obtain an employment certificate varies widely in different places. In some cases, as in the matter of the appearance of the parent in person and in the matter of the literacy test, these differences are due to ambiguities in the law which are differently interpreted by local officials. In other cases they seem to be due to failure rigidly to enforce plain requirements of the law.

The latter is true, as later discussed in detail,<sup>1</sup> of the character of evidence of age preferred or required to be brought by the child.

The number of trips and the length of time necessary to procure a certificate depend in large part on the city or village in which the child lives. Lack of information as to the requirements for securing a certificate frequently necessitates additional trips. Except in New York City and Rochester no printed instructions are issued, though in other places the children in certain schools are sometimes told, particularly at the close of the school year, how to secure certificates. Sometimes, especially in the smaller places, the child is obliged to return for his physical examination because his first visit was not during the office hours of the examining physician. In Victory Mills practically every child must make at least three trips, two to the office of the clerk of the board of health and one to the health officer in Schuylerville, a mile away. Whenever the parent makes affidavit to the child's age elsewhere than at the issuing office, the child generally has to come first to the office for the blank affidavit form and to return later with it filled out. On the other hand, wherever the parent is always required to appear at the certificate office, as in New York City, Utica, and Little Falls, or always when required to make affidavit as in Troy, Syracuse, and Cohoes, this requirement is likely to result in additional trips for the child, as it is frequently not understood, particularly where the parent must appear in some cases but not in others. In Syracuse a child is obliged to make an additional trip by reason of the fact that he must obtain a school record blank at the issuing office to take to his school principal.

Delays in securing certificates may be occasioned by two other causes; first, difficulty in securing school records during vacations, and second, lack of a birth or baptismal certificate, a school diploma or a passport as evidence of age. Even in cities where the school superintendent issues school records—i. e., cities which have a population of 5,000 or over, other than first and second class cities—though his office is generally open the entire year, he can give children school records during vacations only if provision has been made by the various schools, public and private, for depositing with him the school records of all children who may wish to go to work during the vacation. In first and second class cities and in places of less than 5,000 population the difficulty is greater because the principals of schools who must issue school records usually have no office hours and frequently go away during vacations. To overcome this difficulty in New York City and Buffalo the children in many schools are told to secure their records before school closes if they wish to go to work during vacation. In Rochester a better plan is used. There the

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<sup>1</sup> See p. 90.

records of children who think they may wish to go to work are made out except for the date and filed in the office of the efficiency bureau, where they can be procured at any time. This plan, however, does not apply to parochial-school children.

Delays due to efforts to secure the best possible evidence of age are a necessary safeguard to the child. Wherever the law is strictly interpreted and children born abroad or outside of the city in which they are applying are obliged to send for transcripts of their birth certificates, the issuing of the employment certificate is necessarily delayed for whatever length of time—sometimes a month or more if the letter must go to a foreign country—may be required to receive a reply. If a child in a first-class city is obliged to have a physicians' examination to prove his age, he must wait, as has been noted, 90 days.

A child who presents "other documentary evidence of age," moreover, is theoretically obliged to wait for its approval by the board of health. In some places a delay of as much as two weeks may be thus caused. In Rochester and Little Falls, however, "other documentary evidence of age" is accepted at once by the issuing officer. In Rochester the health bureau never acts upon such evidence, and in Little Falls a certificate would be revoked, it is said, if the board later declined to accept the evidence of age offered. But in neither city does the procedure seem to be in strict fulfillment of the law, which prescribes that the issuing officer—when satisfied that the applicant is over 14 and that he is unable to produce a birth or baptismal certificate, a passport, or a school diploma—shall present a statement of the facts, together with whatever other documentary evidence is available, to the board of health, and that at a regular meeting the board of health may by resolution provide that this evidence shall be received. In other words, the delay which the law requires in cases of this kind is eliminated in the procedure of the issuing offices in Rochester and Little Falls.

Delay in securing a certificate is not only an inconvenience to the child but not infrequently the cause of a break between his school life and his working life. When the child secures a school record and applies for an employment certificate he has decided to leave school; and, even when notice of delay in securing a certificate is sent to the school authorities, it is difficult to induce him to return. Attendance officers, moreover, knowing that he will soon leave school permanently, often do not think it worth while to make a great effort in his case. The plan followed in some schools of not giving a school record nor allowing a child to leave school until he has secured satisfactory evidence of age obviates a large part of this difficulty. This requirement, though not a provision of law, apparently could be made



general, for the child is not entitled to a school record unless he is 14 years old.

The requirement of a fee for a copy of a certificate to replace one which has been lost, as practiced in New York City and Buffalo, seems a hardship to the child who has actually lost the document, particularly as the employer can not be compelled to pay the fee, even when he himself has lost the certificate. The plan in use in Rochester of penalizing the child by making him wait a week unless he can bring a statement from the employer to the effect that he lost the certificate or that he wishes to employ the child at once is probably quite as effective and more just. In this connection it should be noted that additional protection against the misuse of duplicate certificates is provided by the method in use in New York City and Buffalo of having such certificates clearly labeled as duplicates. But the problem of duplicate certificates can not be completely solved so long as certificates are given to the children instead of directly to their employers.

The office procedure itself seems in some places to be unnecessarily complicated and confusing. In the Manhattan office, for example, the child frequently is obliged to be interviewed by as many as four people, and sometimes more, and often he is interviewed several times by the same person; the office is not so arranged as to make the order of these interviews clear and simple; the child does not reach the clerk who has power to accept or reject documents until the very end; he goes through all the rest of the procedure before the literacy test is given; and the forms, particularly different forms for transcribing various kinds of evidence of age, and the many stamps in use seem unnecessarily numerous and complicated. Even when the child brings all requisites, he and his parent may be in the office over an hour before the certificate is issued. The very fact that an average of 75 applicants present themselves daily at the Manhattan office shows the need for as simple and systematic a procedure as is consistent with absolute assurance that the legal requirements have been fulfilled in every case.

That in Buffalo the office procedure is simpler and better organized is due largely to the greater authority given the first interviewer, which results in clearing the office rapidly of all children except those waiting for the physical examination—the final step before the certificate is issued. The New York City and Buffalo offices were the only ones visited which in their procedure adhered strictly to the letter of the law.

In Rochester, though no one can justify failure to follow law, the children are handled in a dignified, orderly way, are made to feel the importance of the occasion, and are given more deliberate and

thorough instruction than is customary in other offices. Applicants usually appear with the requisites, owing, probably, to the efficiency of the school system as well as to that of the bureau of health. Moreover, the extralegal requirements are such that the statement is justified that children go to work as well equipped as from any office in the State.

In no issuing offices visited outside of those in first-class cities was there thorough familiarity with the requirements of the existing law. In Rochester the departures from legal requirements appear to be deliberate efforts to secure more practical protection for the child at less cost to him than is required by law. But outside the first-class cities no issuing officer seemed to be aware that a certificate of graduation is acceptable as evidence of age, that a parent's affidavit must accompany any evidence of age except a birth record, or that a parent's affidavit unaccompanied by any other evidence of age is not acceptable, and—except in Albany—it seems never to have occurred to any of the issuing officers that the law requires a literacy test to be given by the officer who issues a certificate. In fact, in the smaller cities practically no office visited was operating under the provisions of the present child-labor law.

Lack of adequate supervision by any State agency makes possible not only these wide differences in interpretation and even in knowledge of the law, but also many differences in the form and size of employment certificates. Though the actual requirements as well as the forms differ widely, an employment certificate made out in one part of the State is good anywhere else in the State. The law provides that the blank forms for certificates and school records shall be "approved" for first and second class cities and both prepared and furnished for all other places by the industrial commission. Yet 1 out of the 11 places visited during this investigation, and 2 out of 23 other places, used old forms which are not based on the model approved by the commission and do not conform to the present law. In some places only one copy of a certificate is made, a record of the essential facts being kept on a stub; in other places two copies are made, one for the child and one as an office record; and in still other places three copies are made, one for the child, one as an office record, and the third to send to the State department of labor as a report of the issuance of the certificate.

*Evidence of age.*—The law prescribes exactly what evidence of age shall be accepted and the order of preference of various documents. Yet of the issuing offices studied, only those in New York City and in Buffalo demanded the documents in the order prescribed by law; and the extralegal requirement in New York City that the parent's affidavit shall always be taken, regardless of the character of evidence

submitted, left Buffalo the only place where the exact legal procedure was followed.

The only offices visited where foreign-born children were always required to send for transcripts of birth certificates were those of New York City, Buffalo, and Tonawanda. In all the other offices baptismal records, passports, and other documents were frequently accepted when birth certificates could easily have been procured. In Rochester birth certificates, baptismal records, and passports appeared to be regarded as equally acceptable, but particular attention was paid to physiological age which the health officer considers of more importance than the exact date of birth. In Rochester, Albany, and Syracuse passports from countries where birth certificates were available were commonly accepted, and foreign-born children were only occasionally required to send for the preferred documents. In Troy, Utica, Cohoes, Little Falls, and Victory Mills no effort was made to have foreign-born children procure birth certificates.

In Cohoes, Little Falls, and Victory Mills, owing to the fact that the birth certificates are kept by clerks of the boards of health who have other and more pressing duties and consequently often find it impossible to consult the records when asked, birth certificates frequently are not required even of children whose births are registered in those places. Thus birth certificates as evidence of age are made practically unavailable for the very children for whose benefit in large part these communities maintain their systems of birth registration. The remedy lies, not in permitting fees for a search of the records in such cases, but in making it the legal duty of all registrars to examine their records upon the request of applicants for employment certificates.

In many places, even when a child is told to write to another city or to a foreign country for a transcript of his birth certificate, he is given no instructions as to whom to address or what fee to send; and only in New York City and Buffalo is evidence demanded that he actually has written. The methods used in both places, however, are open to objection. The registry receipt demanded in New York City proves that the child has written, but nothing prevents a child from concealing the receipt of a reply which might show him to be under age. On the other hand, the Buffalo method of compelling a child to wait until he can produce a certificate or a returned letter seems an undue hardship upon the child by placing him at the mercy of careless or indifferent officials.

At the time of inserting in the law the provision that a certificate of graduation should be preferred as evidence of age to a passport or baptismal certificate if the school record showed the child to be over 14 years of age, it was believed that this provision would furnish the



child with a special incentive to complete the elementary school course before going to work. Little evidence can be found, however, that this provision is of any practical value and, as the child's age does not appear on the diploma, it practically amounts to the acceptance of a school record as evidence of age in the case of grammar-school graduates. As a matter of fact the requirement of a school diploma as evidence of age in preference to a baptismal certificate, passport, or any other documentary evidence except a birth certificate, is unknown outside the three cities of the first class and is frequently used there in a way which appears not to have been intended. In Queens Borough, for example, a child born in New York City applied with a card showing his birth was not recorded, a baptismal record, and a school diploma. Instead of demanding a school record and accepting the diploma as evidence of age, in strict accordance with the law, the diploma was accepted as the school record and the baptismal record as evidence of age—a logical if not a legal procedure. Only thorough State supervision and instruction of issuing officers could make this provision of any practical value.

The examination for a physicians' certificate of age, as permitted in first-class cities, must necessarily show not only whether a child has probably reached a certain chronological age, but also whether he "has reached the normal development of a child of [his] age"—a requirement for all children regardless of the evidence of age furnished; and if physiological age could be determined by proper standards, it certainly would be a good supplementary measure of the child's fitness for work. But without such standards and without any method of correlating physiological and chronological age the physicians' certificate amounts simply to adding to a physical requirement which, if literally interpreted, is applicable to all children, a physician's guess as to the chronological age of the particular child who can not produce documentary evidence. It means, moreover, that a child who would not be allowed to go to work on the guess of one set of official physicians would have no difficulty in securing a certificate from a set in another office. The period, however, which must precede the granting of a physicians' certificate serves to make children and parents leave no stone unturned to secure some form of documentary evidence of age.

Parents' affidavits alone appear not to be acceptable under a strict interpretation of the law, but must accompany documentary evidence other than a birth certificate, school diploma, baptismal record, or passport. The parent's affidavit, moreover, is primarily an affidavit that better evidence of age than that offered can not be procured and is only secondarily an affidavit concerning the age of the child. As a matter of fact, the greatest confusion prevails as to when parents' affidavits are required and when not. In New York

City a parent's affidavit must accompany any evidence of age whatever. On the other hand, parents' affidavits unaccompanied by any other documentary evidence are constantly accepted in Albany, Troy, Utica, Syracuse, Cohoes, and Victory Mills. In Cohoes and Victory Mills, though baptismal records could be easily secured because most of the applicants are Catholics, they are not asked for, and parents' affidavits without supporting evidence are accepted as a matter of course.

Theoretically a child in other than a first-class city—where a physicians' certificate of age is acceptable—who has no documentary evidence of age can not secure an employment certificate. But practically the acceptance of parents' affidavits is so general that Tonawanda and Little Falls were the only places investigated outside of first-class cities where a child could not in actual practice secure a certificate without some other form of documentary evidence of age.

In general, because of lack of State supervision, children are going to work in New York State, in spite of excellent legal provisions, on the widest possible variety of evidence of age. The same child who, if he applied in New York City, would be required to produce either a birth certificate or proof that he could not secure one, in Cohoes would have to present merely an affidavit signed by his parent. If he came to any one of the New York City offices, his evidence of age would be stamped to show that it had been used, and he would be unable to pass it on for use by a younger child; but this would not be done anywhere else in the State. If he received his certificate in Buffalo or Rochester, the date of birth on it would be perforated to prevent effacement in an effort to appear over 16 and therefore not subject to the law regulating hours; but if he received it anywhere else in the State, the date of birth would simply be written.

An effort is now made in New York City to have a child bring satisfactory evidence of age when he first enters school. If this were generally done, the child would not have so much difficulty in proving his age when he wished to go to work. Such evidence is more easily secured when a child is young and less incentive to falsify age exists. There is, however, difficulty in the strict enforcement of such a regulation; for though under the compulsory education law a child may be debarred from leaving school, he could hardly be debarred from entering school because of lack of evidence of age. Nevertheless, in the great majority of cases the evidence of age can easily be produced when the child enters school, and a regulation of this kind would be a decided assistance in proving the child's age when he wished to go to work.

*Physical requirements.*—As in the matter of evidence of age, the lack of any centralized supervision over the physical requirements for an

employment certificate in New York State has led to a wide variety of standards for the child who is entering industry. Though the law requires that a child to be granted a certificate must be in "sound health," instead of in "sufficiently sound health," as in most States requiring a physician's certificate, the physical examination, except in Rochester, is given in so short a time that it is doubtful whether any but the most obvious defects are detected. The points to be covered in an examination are determined by the State industrial commission, but the instructions for giving the examination issued by the department of labor are totally inadequate to secure uniformity of standards as to the nature or degree of defect for which a certificate shall be refused. As a result children are allowed to go to work in one community with physical defects which in another would be considered serious enough to warrant refusal of a certificate. In practice the individual examining physician establishes his own standard of "sound health," and no uniformity in the physical condition of working children is maintained in the State.

In New York City the department of health has attempted to establish tentative minimum standards of height and weight which an applicant must attain before he is considered to have "reached the normal development of a child of its age." No similar standards were found in any of the other offices investigated.

As for the child's being "physically able to perform the work which it intends to do," in most places the examining physician makes no inquiry whatever into what the child intends to do, and under the existing law such an inquiry would serve no purpose. As the physical examination is given only when the child first goes to work and as he may have a dozen occupations before he is 16, this provision is generally held to mean, indeed, that he shall be physically able to do any work which is legal for a child under 16. Even in the offices where information is secured as to what the child expects to do—i. e., in Rochester, Albany, Cohoes, Little Falls, and Victory Mills—this information relates only to the first job, and the examining physician has no means of knowing whether the child will keep that position for more than a day or a week or where he will be employed afterwards. Nor has the examining physician any legal power to tell the child that he may not enter this occupation but that he may enter another. As a result, knowledge of the work which the child in the first instance "intends to do" has little or no effect on the character of the physical examination. Even if the examining physician attempted in each case to consider the kind of work proposed, his acquaintance with the demands made by different occupations on the strength and vitality of children is generally too meager to permit of valuable discrimination. In New York State, therefore, enforcement of the pro-



vision that the child must be "physically able to perform the work which it intends to do" is made impossible by the fact that the physical examination is made only before the first position.

Medical inspection of schools, though new and incomplete, is general in the larger cities of New York State, and it would be easy for the examining physician at the certificate office to have the benefit of all information secured in the schools as to the physical condition of applicants for employment certificates. But in only one place visited—Rochester—is any effort made to correlate the certificate office examination with the school examination. The requirement in Rochester that a child applying for a certificate shall bring a health-record card showing the results of his school examinations ought to be in force in every city in the State. If necessary the law should be amended to this end.

Withholding certificates until minor physical defects are corrected has the excellent result that, by furnishing an economic motive for soundness, it induces many children to secure treatment for defects which otherwise would be neglected. The extent to which this can be carried without undue hardship to the child and his family depends, of course, upon the opportunities which the given city offers for free medical treatment. If there is a dental dispensary capable of accommodating all applicants, the rule in force in Rochester, for example, that no child with defective teeth shall go to work, seems a reasonable interpretation of the law; for physicians state that no child with defective teeth can be in perfectly "sound health."

Additional protection is furnished the child who is either temporarily or permanently refused a certificate by the follow-up work of school nurses to whom such cases are referred in New York City and Buffalo. In the other places the refusal is a warning to the child's parents and a protection from a specific danger: Where medical inspection of schools exists the child remains under the care of the school physician. The value of the examination to the child who is found physically unfit for work depends largely, of course, upon whether or not some one supervises what he does in place of the contemplated work and sees that he receives whatever treatment he needs.

The most serious defect in the physical protection of working children in New York State, however, lies in the lack of any effective supervision after they have entered industry. The certificate office merely opens for the child the door to wage earning. It has no legal right to inquire what happens to him after he has passed through that door.

When it is remembered that physical defects and weaknesses may become apparent only after a child has been tested by the strain of work, and also that young children are particularly liable to suffer

specific injuries as the result of certain occupations, this lack of complete provision for medical supervision during the early years of the child's industrial career seems a very serious matter. The medical inspectors of the industrial commission may require any child employed in a factory to have a physical examination, and the child's employment certificate may be revoked if he is found in bad condition. But the power of the medical inspectors to require children in factories to have physical examinations is so rarely exercised as to be of little or no practical value. And for a child employed anywhere else than in a factory no provision is made for physical examination after entering industry.

*Educational requirements.*—The sixth-grade requirement of the New York law constitutes an unusually high educational standard. Here again, however, lack of control by any central State agency leads to material differences in standards in different places. First, there is the usual difference in standards among schools, especially among unsupervised private and parochial schools. In first-class cities the law does not even provide for the countersigning, by the superintendent, of school records issued by the principals of such private and parochial schools. Second, there is the lack of uniformity in the interpretation of what is meant by completion of "the work prescribed for the first six years of the public elementary school or school equivalent thereto or parochial school."<sup>1</sup> The interpretation given to this phrase by the chief of the compulsory-attendance division of the State department of education, in answer to an inquiry from the Children's Bureau, was as follows:

This department holds that when a child has gone down through the grades, as outlined in the Elementary Syllabus, to the end of the sixth grade, he has met the educational requirements for a school-record certificate. The word "completed" is not interpreted to mean that the child shall have passed an examination out of the sixth grade, or any other examination, but that he has gone through the work of the first six years of the public elementary school or school furnishing a course of instruction equivalent to the course maintained in a public school. The reason why the child is not required to pass an examination is the fact that examination papers in rural schools are examined by the teacher in charge of the school; and, as there are about 10,000 variable standards of marking examination papers, the child under the marking of one teacher might be able to pass out of the sixth grade into the seventh, and fail if he were marked by teachers in other schools. We therefore hold that the word "completed" in the statute is not to be interpreted as referring to the passing of examinations.

This interpretation, however, is not generally known throughout the State, and in many cities where it is known superintendents are unwilling to follow it, holding, as seems more reasonable,

<sup>1</sup> Labor Law, secs. 73 and 165. For the text of these sections see pp. 122, 124. An amendment to the law, effective Feb. 1, 1917, requires that a child under 15 years of age must have completed the eighth grade. Acts of 1916, ch. 465. For the text of this act see Appendix, pp. 132-133.

that the legislature intended that a child should not go to work until he was able to pass an examination out of the sixth grade. As a result the actual educational acquirements of children leaving even public schools for work differ according to the locality. A child who lives in New York City, Utica, Little Falls, or Victory Mills must have been graduated from the sixth grade. But one who lives in Buffalo, Albany, Syracuse, or Tonawanda needs only to have sat for two years, and in Rochester, Cohoes, or Troy for one year, in a sixth-grade classroom.

Though the law provides that the form of all school records used in first and second class cities must be approved by the industrial commission and that all those used in other cities, towns, or villages must be furnished by this commission, the supervision thus made possible has been delegated by the commission to the State department of education and has never been effectively exercised. As a result, not even a standard form of school-record blank is in use throughout the State. Out of 17 third-class cities from which blanks were secured but which were not visited the school-record form used in 6 did not mention the sixth-grade requirement.

Even in the same public-school system central supervision is not always maintained over the issuing of school records. Lack of uniformity is practically inevitable, indeed, under a law which in one section<sup>1</sup> places upon the principal of each school the responsibility for issuing school records anywhere in the State, and in another section<sup>2</sup> places it upon the same officer in first-class cities and in school districts having less than 5,000 population and upon the superintendent of schools in other cities and school districts. It is not at all surprising to find that at least in the first-class cities, where according to both sections of the law school records are issued by the individual principals, the educational standard for these records differs widely according to the ideas of the various persons who issue them. In New York City, though examinations for school records are given by the principal of one school in each district, nominally under the direction of the district superintendent, no provision is made for uniformity of or for central supervision over the district examinations. In Buffalo no central control is exercised over promotions and no central office is notified when children leave school.

Under such a law, moreover, it is not surprising that in at least one city, Syracuse, where school records are supposed under the more recent amendment to be issued by the superintendent, the principals should be issuing them. Nor is it surprising that in all the

<sup>1</sup> Labor Law, sec. 73. Sec. 165 also makes the same provision. For the text of these sections see pp. 122, 124.

<sup>2</sup> Education Law, sec. 630, subsec. 2. For the text of this section see p. 128.



other cities included in this study where the superintendent signs school records, except Troy, Little Falls, and Tonawanda, he keeps in his office no register of the standing of individual pupils and therefore must depend wholly upon the statement of the principal as to the grade of an applicant for a such a record.

In some schools in New York City and Buffalo children have been coached in special classes in order to enable them to reach the educational standard for a school record. Under the present law such a class is legal only if it provides better methods of instruction and not if its course of study differs in any way from that of the regular sixth grade. In these classes, however, particular attention is usually paid to the so-called "essentials"—reading, writing, spelling, English grammar, geography, and arithmetic. And the very existence of such a class shows a frank and open desire to assist children to leave school for work.

In other schools, undoubtedly, especially in New York City but also in Buffalo, a child sometimes is shoved up, without any special coaching, from grade to grade, until it is made falsely to appear that he is entitled to a school record. Even the special examination given in New York City before a school record is issued, the purpose of which is to bring about uniformity of standards, does not always accomplish this purpose because ratings are sometimes modified and because the examinations themselves are not uniform, being in some cases adapted to fifth rather than to sixth grade pupils. In Rochester, it is said, an effective check is placed upon pushing up through the grades by the fact that duplicate records of each child's ratings are sent to the efficiency bureau at the end of each semester. But in New York City, though formerly similar records were kept in the office of the bureau of attendance, they were never used as a check.

In general it is safe to say that where no supervision exists over the issuing by principals of school records children can be easily pushed up through the grades so they can go to work when of legal age, and that this is very likely to be done when occasion arises. It is not uncommon in the congested districts of New York City and Buffalo to find a parent beseeching the principal of a school to let his child go to work. If there seems to be exceptional economic pressure in the home, or if the child is backward or troublesome, the principal is seriously tempted to yield to these entreaties and to give the child a school record. This action, however, not only deprives the child of the education to which the community has decided he is entitled before assuming the burden of self-support, but as it is done with his full knowledge it tends to diminish his respect for law.

The requirement of 130 days' school attendance either during the 12 months preceding the child's fourteenth birthday or during the 12 months preceding his application for a school record has been inter-

preted in New York City to mean that a child must secure an employment certificate as soon as he leaves school. In other parts of the State, however, the school-record blanks in use show quite different interpretations of this attendance requirement. The Rochester form, for example, provides only for a statement of the number of days' attendance since the child became 13 years of age. If the child was nearly 16, therefore, the 130 days' attendance entered might either have been scattered over nearly three years or have ended more than two years before his application for a school record.

The New York City interpretation seems to stretch the law in two different ways. In the first place it assumes that the 130 days of attendance must have been during the 12 months preceding application for a certificate, whereas the law says during the 12 months preceding application for a school record. In the second place it assumes that this attendance must always be before application, whereas the law says it can be either before becoming 14 years of age or before application, and fails to specify in which cases it may be one and in which cases the other.

Unless the law is stretched in these ways the requirement seems of little value and may become a great hardship to certain children. For a child who has been living for a year in New York or any other State having a compulsory education law and who has never before held a certificate it is no hardship because it means simply compliance with that law, nor is it a hardship for an immigrant child under 16, for such a child can rarely secure a certificate inside of a year because of lack of knowledge of the English language. On the other hand, this attendance requirement, to which there are no exceptions and which can not be waived as in Massachusetts, may become, if the law is literally enforced, a serious hardship to the child who comes into New York State after having been legally at work on an employment certificate in some other State. Such a child, even if he meets the sixth-grade requirement of the New York law, may not have been in school 130 days during the year before becoming 14 or during the year preceding his application, and so is not entitled to a New York certificate. Yet he has complied with every law of the State where he has lived, and also has attained the educational standard of the New York law.

As for the literacy test required by the provision that the issuing officer, after examination, must file a statement "that the child can read and legibly write simple sentences in the English language," the degree of education required by this provision is so far below that required to obtain a school record that it seems natural for issuing officers to accept the school record as sole evidence of educational fitness for work and to give no examination for literacy. Indeed, a literacy examination is given only in New York City and Buffalo, and in Rochester an arithmetic examination in case the child appears

illiterate or can not readily speak English. Even in these places, recognition is shown of the discrepancy between the grade requirements and the test—in New York City by using a third-grade reader for the test, in Buffalo by using a fifth-grade reader, and in Rochester by testing the child in fractions instead of in reading or writing. Naturally the only children refused certificates as a result of such tests as these are children whose school records are virtually fraudulent. Nevertheless the number of refusals in New York City because of failure to pass the literacy test shows the great need for such a test in other cities.

In spite of the legal provision that a school record must be issued on demand "to any child who, after due investigation and examination, may be found to be entitled to the same,"<sup>1</sup> in some cities the school authorities have introduced certain highly desirable extra-legal requirements for obtaining such a record. In Buffalo, for example, no school record is issued until the parent has signed a blank form giving his or her consent and stating the reason for the child's going to work. In Albany, Troy, and Little Falls the child has to prove that he has been promised employment before he is given a school record. This procedure practically means that, whatever periods of idleness he may have later, he goes straight from school to work. In no other place visited, however, is any such method used to prevent the child's securing a school record merely in order to avoid going to school. And the law makes no effective provision for the prevention of this unfortunate break in the child's life.

The New York law makes no exception of children who are mentally defective. Such children, if unable to complete the sixth grade, can not legally go to work until they are 16. In Buffalo, however, retarded children are sometimes given the Binet test and, if found mentally defective, are occasionally permitted to go to work without having fulfilled the educational requirements of the law. The problem thus dealt with is one frequently encountered in other certificate offices throughout the country, but it is doubtful whether this solution, clearly illegal in New York, is one which it would be well to incorporate into law, even if special supervision were to be exercised over these children after they had gone to work. The problem should be considered as primarily one of education and not of labor regulation.

The lack of compulsory continuation schools for employed children and of enforcement of the compulsory evening school attendance law have already been mentioned. The present legal provisions relating to continuation schools do not adequately protect the child, as there is no law requiring that the hours of attendance shall be included in

<sup>1</sup> Education Law, sec. 630, subsec. 2. For the text of this section see p. 128.



the legal hours of labor. As for evening-school attendance, if the child needs more education than that with which he goes to work, he should be permitted to secure it during working hours at a part-time or continuation school and should not be compelled to spend in a schoolroom the leisure he needs for rest and recreation.

*Enforcement.*—In the actual prevention of employment of children under 14 and under 16 without certificates there is probably almost as great lack of uniformity between cities as in the application of the standards for going to work. Though factory inspectors are supposed to cover the entire State, and mercantile inspectors the first and second class cities, with a fairly uniform degree of thoroughness, these inspectors can not visit establishments often enough—inspections are made usually only about once a year—to do more than a small part of the work of enforcing the child-labor law. The rest must be done by local school authorities, who are expected to see that children once in school stay there until legally released and that children not in school are sent there as soon as possible. If the work of local teachers, attendance officers, census enumerators, and other school officials is not thoroughly done, it is practically impossible effectively to enforce any child-labor law.

To keep children in school it is necessary that all absences be promptly reported, that transfers be reported both by the school which the child leaves and by the one to which he goes, and that attendance officers investigate within a reasonable period every case of absence. This applies to children attending private as well as public schools. In New York City the system devised for keeping children in school is excellent, and the forms for reporting absences and transfers are used by many private and parochial schools as well as by public schools. In Buffalo, although the law gives the permanent census board power "to make such rules and regulations as may be necessary to carry out" the provisions in regard to school attendance, individual principals devise their own methods of reporting both absences and transfers, and some of them make no report to the permanent census board of a child who has left to go to another school. In such a case, if the child did not enter the other school he might stay at home or on the street; or if nearly 14 years of age, he might drift into illegal employment and be found only accidentally by an attendance officer or an inspector. Conceivably the same thing might occur in Rochester, where the school the child is leaving merely notifies by telephone the school to which he is to go of the transfer, leaving it to the latter to notify the efficiency bureau whether or not the child appears. In Rochester, however, it is said that between the check-up systems of the efficiency bureau and of the permanent census board it is almost impossible for a child of school age to escape the authorities. The weekly roll call for changes of address in the

Rochester schools is also of great assistance in keeping track of children. In the smaller cities investigated reports of absences and transfers are made with more or less regularity to attendance officers; but since as a rule no records of individual schools are kept at the office of the superintendent and reports are only occasionally received from private and parochial schools, there is no way of knowing how well school attendance is enforced.

The extent to which school attendance of children not enrolled can be enforced depends on the time attendance officers have for other work than following up reported absences, on their vigilance in this work, on the cooperation of police officers and others, and on the thoroughness with which the school census is taken and its results checked with the school records. In general the school census is of more assistance in enforcing school attendance in the rural districts, where an annual enumeration is made, than in any city except those of the first class, which have permanent census boards. In the other cities, indeed, the census is of practically no use for more than one year in four, because it is taken only every fourth year. This condition should be remedied by an amendment to the law requiring a thorough school census to be taken in every part of the State at least annually.

In the three first-class cities the permanent census boards not only locate children 4 to 18 years of age in order that the school-attendance laws may be enforced but also collect facts relating to the employment of children. This system of census enumeration has been of great assistance in locating children from other parts of the United States and immigrant children of school age not enrolled in any school. It also aids in finding children illegally absent from a school, public, private, or parochial, which does not regularly report its absentees. Permanent census boards, indeed, seem to be needed in other cities.

Too little use is made of the opportunity which the certificate office affords to discover children who ought to be in school. The names of children who receive or are actually refused certificates are generally sent sooner or later by the health department to the school department. But except in the New York City offices it is not customary in the cities visited even to take the names of children who apply at the certificate office without the requisite documents and are sent away without having either received or been refused certificates. Thus an opportunity is lost of locating newcomers to the city who, not being enrolled in any school, may easily go to work without certificates when they find they can not meet the requirements of the certificate law. In the New York City offices, moreover, these names until recently were taken simply as a matter of convenience and were not reported to the school authorities.

One difficult problem is the enforcement of school attendance of children who have completed the grade requirements for a school record. If such a child simply refuses longer to go to school without taking out a school record the parents are, of course, subject to a penalty, though if the child is over 14 years of age it is always difficult to secure a conviction for nonattendance at school. But in many such cases the same measures may be taken as in the case of a certain 14-year-old Buffalo girl. This girl was repeatedly told by the attendance officers that she could not receive her school record when she wanted it unless she returned to school, but attempts to force her back into school were unsuccessful even after court procedure. Several months later, when she applied for a school record, it was not granted and she had to return to school for several months in order to have attended 130 days next preceding the date of receiving the record.

If, however, a child takes out a school record and then fails to apply for a certificate, or if for some reason the granting of the certificate is delayed, the problem is more difficult. In at least one case in New York City the group of children already mentioned who had taken out school records and failed to apply immediately for employment certificates were later refused certificates on the ground that the 130 days' school attendance required by law had not been during the year preceding their applications for certificates. But if the parents had chosen to take the matter into court, it is doubtful, as has been pointed out, whether this interpretation would have been upheld, for as the law now reads the school attendance must have been during the year preceding the child's fourteenth birthday or "his application for such school record."<sup>1</sup> It is even doubtful, as will be seen later, whether in cities or school districts having less than 5,000 inhabitants the parent could be punished in such a case for violation of the compulsory education law.

Breaks between school and work which occur as a result of delay in securing certificates are not uncommon. In New York City, school principals do not report to any central authority the fact that a school record has been issued to a child, although such reports might easily be required by the bureau of attendance and might assist in keeping the child in school. In theory the name of a child is not removed from the school register until the school is officially notified that the child has received a certificate, and the absence of a child with a school record is supposed to be reported like that of any other child. But in practice these children are frequently not kept in school, as principals expect them soon to leave permanently. Cases, indeed, in which children have been out of school for several months before receiving employment certificates can be found by comparing

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<sup>1</sup> Labor Law, secs. 73 and 165. For the text of these sections see pp. 122, 124.



the records of the bureau of attendance with those of the certificate office in New York City. One child, for example, received his school record on November 25, 1914, and his certificate on February 13, 1915; another received his school record on January 21 and his certificate on April 30, 1915. In at least one case in which three months elapsed between the giving of a school record and the granting of a certificate the attendance officer had called almost every week and each time had found the child waiting for his birth record and having his teeth treated.

In other places the same breaks undoubtedly occur. In Buffalo, on account of the lack of effective regulation by the permanent census board, a child who has received a school record may easily drop out of school without the attendance department even knowing about it, for only a few principals report to the board the issuing of a school record. In one week, indeed, it was said that out of 43 applicants for certificates at the issuing office, 13 of whom were refused certificates, in only 4 cases had the permanent census board been notified of the issuing of a school record. In Rochester, on the other hand, not only is the school record withheld until all other requirements for a certificate have been fulfilled, but the efficiency bureau receives word whenever a school record is issued to a child and checks up all records with the reports of certificates issued. But in the second and third class cities visited no regular system of notifying the school authorities of certificates granted or refused was found.

In general it is safe to say that many children do not stay in or return to school during periods of waiting for their certificates, and that to make them do so would be an almost impossible task for the attendance officers. Indeed, only a rigid follow-up system could prevent children from absenting themselves from school after they have their school records. And such a system would seem worth while only if it were for the purpose of making certain that the child passed directly from the school into some sort of profitable work. But if it were once determined that the child had to have a job as well as a certificate before he could leave school, and that he had to keep a job or else return to school, it would seem desirable to educate children and parents to the idea that the school record and the promise of employment were both prerequisites to an employment certificate and that such a promise was a prerequisite to leaving school.

Another difficult problem is presented by children who wish or whose parents wish them to stay at home to help in nongainful ways. The law provides that a school-record certificate shall be issued to any child who has completed the sixth grade<sup>1</sup> and that a child regularly employed under an employment certificate in a city or school district

<sup>1</sup> Education Law, sec. 630, subsec. 1. For the test of this section see p. 127.

having a population of 5,000 or more or regularly employed elsewhere under either an employment or a school-record certificate shall be exempt from school attendance.<sup>1</sup> Another section says that to be exempt from school attendance a child must be "regularly and lawfully engaged in any useful employment or service."<sup>2</sup>

There is evidence that in many places "any useful employment or service" is interpreted to mean housework or chores at home; that children are often permitted to stay at home for such work on school-record certificates; and that their "employment" varies all the way from household drudgery to idleness. Until the fall of 1913, when the law was amended, this was the interpretation in Rochester; but at that time it was decided that henceforth every child between 14 and 16 must be in possession of an employment certificate or be in school. In Rochester, therefore, as would be expected, approximately the same number of employment certificates are regularly granted in a given time as the number of school records issued by all the public, private, and parochial schools. From September 1, 1913, to July 1, 1914, for example, 1,315 employment certificates and only about 762 public-school records were issued, the remaining certificates being granted on records from private and parochial schools. In Albany, on the other hand, during the same period only 299 employment certificates but 483 public-school records were issued; and in Troy, from October 1, 1913, to July 1, 1914, the reports showed 131 certificates and 137 public-school records. As in both Albany and Troy a considerable number of children with parochial-school records must have been granted certificates, it is evident that many children in these cities secure school records who do not at once secure certificates or enter any gainful employment. These children may later go to work illegally.

Staying at home on a school record alone is plainly contrary to the compulsory education law in any city or school district having a population of 5,000 or over, but does not appear to be so in the smaller places if a child can show he is engaged "in any useful employment or service." A child who holds an employment certificate anywhere in the State may stay out of school to work at home as well as in a gainful occupation.

As for unemployed children, or those who hold certificates but are not at work, though the compulsory education law requires that such children shall be in school, the certificate law contains no provision which could aid in the enforcement of school attendance. When a child has left the office of the department of health with his employment certificate he is still responsible to two officials, the factory inspector if he is employed and the attendance officer if he is not

<sup>1</sup> Education Law, sec. 624. For the text of this section see p. 126.

<sup>2</sup> Education Law, sec. 621. For the text of this section see p. 125.

employed; but in both cases the officer has to catch the child before he can exercise in any effective way his authority. Unless a factory inspector or an attendance officer happens to come his way the child is free to do as he pleases—work in any occupation, legal or illegal, or loaf on the streets. He carries his license to work in his pocket and, if he finds a job, gives it to his employer to keep until he quits, when he may put it back in his pocket or may carry it to another employer. No public authority is notified when he begins work or when he stops, and no public authority knows where he is or what he is doing. If an attendance officer challenges him on the street, he produces his certificate and claims to be hunting for work; and generally the attendance officer tells him merely that if he does not find a job soon he must return to school. But the attendance officer has no means of knowing when or where or whether he finds work. In New York City the bureau of attendance attempts to see that when a child receives a certificate he goes to work, but it has no means of knowing how long he continues to work, whether a day or a week or a year. The same thing is true in the other cities where the child must have a job before securing a certificate. In other words, the child, when he leaves the health office with his certificate, has practically escaped from any effective supervision by the school authorities who up to that time have bounded his horizon.

In spite of this lack of provision for knowing when children are out of work, unemployed children are sometimes returned to school by vigilant attendance officers. In New York City a special continuation class for unemployed boys is maintained in one of the elementary schools, but most of the boys attending are over 16 years of age and attendance is voluntary. In Buffalo unemployed boys under 16 are sometimes put in the special employment-certificate class. But outside of the first-class cities it seems to be generally considered that an employment certificate is itself a license to stay out of school, and in the other cities investigated no attempt is made to return unemployed children to school. Whatever effort is exerted anywhere to return an unemployed child is perfunctory, because the attendance officers know that if they take such a case into court the judge is almost certain to hold that the child must be given an opportunity to hunt for work and that a violation of school attendance under such circumstances is purely technical.

Proper provision for the unemployed child in the school system would, of course, make it much easier as well as better worth while to send such children back to school. But it should not be forgotten that permitting these children to stay out of school is a plain and direct violation of the law which says that, for exemption from school attendance, the child from 14 to 16 years of age must not only hold a certificate but must be "regularly and lawfully engaged in any



useful employment or service.”<sup>1</sup> If the law is to be enforced, the problem of the unemployed child must be faced.<sup>2</sup>

Industrial inspection is at best an incomplete method of enforcing a child-labor law. Children move so often from place to place that no reasonable frequency of inspection is a guaranty against illegal employment. In New York State experience has shown that an inspector himself must see a child working illegally to have an adequate basis for prosecution. In large establishments inspectors do not have time to look up each child and find his certificate, but can make a test only of a sample of the children who appear to be under 16 years of age. The child's signature on the certificate, however, is a help in identification and assists the inspectors in their work.

One of the important problems of inspection is, of course, what action to take when a child is found who is suspected to be under 16 but claims to be over that age. If the inspector challenges the ages of a considerable number of children in an establishment it not only antagonizes the employer toward the child-labor law but is likely to lead to the discharge of children who later may be found to be over 16 and legally employed. It is because of this danger of unnecessary hardship to the child, as well as to secure evidence of violation, that inspectors in doubtful cases themselves often undertake to secure evidence of the ages of the children instead of serving the legal notice which requires that the employer within 10 days either furnish such evidence or discharge the child. In any event it depends upon the judgment of the individual inspector whether or not the age of any child is challenged.

One hindrance to strict enforcement of the law, indeed, is lack of any uniform provision for issuing statements of age to children over 16. In New York City such statements of age are issued, but nowhere else in the State is there any provision for documentary evidence of the ages of children who are over 16. The simplest way to prevent an employer's evading the law by hiring a child whom he states he believes to be over 16 and discharging the child when the inspector challenges the age is to require employers to keep on file for older children, perhaps for all minors, statements of age issued by some responsible agency upon the same evidence of age as is required for an employment certificate. Inspectors could then demand either employment certificates or statements of age for all children up to whatever age might be determined upon as likely to cover all

<sup>1</sup> Education Law, sec. 621. For the text of this section see p. 125.

<sup>2</sup> It has been suggested in New York City, first, that employers be required to send to the bureau of attendance a notice of termination of employment for each child; second, that attendance officers inspect monthly all places of employment and check up the lists of children to see what children have left and to force an explanation from employers who fail to report the names of children who have left their employ; and, third, that as a further means of discovering changes of employment made by children employers be required to enter on the back of each employment certificate before returning it to the child the dates of beginning and of terminating employment, the character of the work, and their own names and addresses.

suspicious cases. But if an employer is held rigidly responsible for knowing the age of any child employed and if instead of merely being required to discharge the child he is penalized when one is found without a certificate, employers themselves will desire such certificates of age as a means of self-protection.

Though probably children under 14 are not often employed in large manufacturing establishments in New York State, it seems likely that the certificate law may be violated frequently and in all places by two classes of children between 14 and 16 years of age; first, newcomers to the State, especially foreigners; and second, other children who have escaped from the jurisdiction of the school by securing employment certificates but who try to avoid the legal disabilities of their age by pretending to be over 16. As one of the supervising inspectors says: "A child between the ages of 14 and 16 years frequently fails to acknowledge that he has an employment certificate or even states that he has none and represents himself to the employer as over 16 years of age. He may claim to be unable to secure a birth certificate, school record, or record of any kind by which to identify himself or establish his age in order to work longer hours, obtain higher wages, or be allowed employment on machinery. When such cases are found by the inspector the only option the inspector has, in justice to the employer, is to require proof of age or dismiss the child within 10 days of notice, the result being in most cases that the child hires out at some other establishment and awaits detection again."<sup>1</sup>

Except in factories and in mercantile and other establishments in first and second class cities there was found no industrial inspection in the places visited, and only school-attendance officers, who are at best little interested in what occurs during vacations and outside of school hours, concern themselves with the employment of children. The labor law, in fact, does not provide for supervision by any central agency over the inspection of mercantile establishments in other cities and in villages of 3,000 or over, and the State department of labor has no more authority to demand that such inspection be made than has the State department of health. For inspection of mercantile establishments in villages of less than 3,000 no legal provision whatever exists. It seems safe to say, therefore; that outside of first and second class cities little is known in regard to the employment of children anywhere except in factories.

*Summary.*—Lack of uniformity between cities due to lack of State-wide supervision is so conspicuous in the administration of the New York child-labor laws that it is difficult to say what are the strong or weak features of the system as a whole. In spite of repetitions and even contradictions and ambiguities in the law, the standard set is high; the evidence of age required seems adequate; the physical ex-

<sup>1</sup> Thirteenth Annual Report of the Commissioner of Labor, State of New York, 1913, p. 47.

amination must show not only that the child is in "sound health" but that he is physically able to do the work proposed; and the requirement of completion of the sixth grade<sup>1</sup> is an unusually high educational standard for the employment of children under 16 years of age in a large industrial State.

These standards probably are as rigidly enforced as could reasonably be expected in many places, including New York City, which contains more than half the working children of the State, and where the foreign element makes the problem particularly difficult. New York State had in 1910, however, over 60,000 working children, and, as has been seen, in most of the cities included in this study the methods of administration in use were found to have both good and bad features. If all three of the first-class cities, where private agencies have done much to secure efficient enforcement, were assumed to have developed the best possible methods under existing laws, the fact would still have to be faced that in 1910 New York State had over 18,000 working children 14 and 15 years of age—not far from double the entire number of gainfully employed children in Connecticut in that year—scattered among second and third class cities and towns and villages and protected only by the methods, sometimes good and sometimes bad, in use in these smaller places. Even if all the children working in agricultural pursuits and all those working in personal and domestic service outside of the first-class cities are deducted, New York State in 1910 had over 10,000 children at work in other gainful occupations elsewhere than in first-class cities—about the same number as were engaged in all gainful occupations in the entire State of Connecticut. All these children, as well as those in first-class cities, are dependent for protection upon the State child-labor laws and their efficient enforcement.

The trouble is that in one city the administrative machinery breaks down at one point and in another city at another point. In some places parents' affidavits are regularly taken as evidence of age; in some the physical examination is merely perfunctory; and in some the sixth-grade requirement is sometimes nullified in practice by showing children up in grades and by other means. In short, the lack of careful supervision by any central office means that the high legal standards set for entering industry are so unevenly enforced that it is impossible to point out any one uniformly strong feature of the system as a whole.

The first, and perhaps greatest, need in New York, therefore, is machinery for securing uniformity throughout the State on three points: First, evidence of age; second, physical condition; and third, educational attainments. Under the present system such uniformity can be secured only by cooperation among three separate departments

<sup>1</sup> This provision has been amended by Acts of 1910, ch. 404. For the text of this act see pp. 132-133.



dealing with health, labor, and education. A curious feature of the situation, moreover, is that, though the health department has jurisdiction over evidence of age, the labor department practically determines the minimum number of points to be covered in physical examinations given by health officers. If health officers are to issue employment certificates, it certainly would seem more logical for the State department of health to supervise not only evidence of age, which rests upon vital statistics, but all matters relating to the physical examination. The issuing officers should also have power to give all children an educational test suited to the grade which they are supposed to have attained, and some central authority—most reasonably the State department of education—should determine the character of test to be given.

The need for greater centralization is further shown by the lack of cooperation between the various agencies which at present are charged with the duty of enforcing the law. No systematic plan of reporting between the department of labor and the school authorities exists anywhere in the State. When an inspector orders an employer to discharge a child or orders a child who is working illegally to return to school, he has no way of knowing whether or not the child actually returns. The inspector's authority ends with seeing that the employer discharges the child. In other words, the department of labor has authority only over the employment of children. In New York City for a few years the department of labor regularly reported to the compulsory-education department the names of children found working illegally; but many of them proved to be working only on Saturdays or after school hours, and as the department of labor did not know whether or not children reported were followed up and returned to school the plan was finally dropped. At the time of this investigation, when a child found illegally employed by an inspector anywhere in the State was discharged, he was allowed—because of this lack, in the laws themselves or in their administration, of provision for following him up—to slip from under the protection of any law. Greater cooperation among the various agencies could remove many of the present evils, but such cooperation is difficult both to arrange and to maintain in effect. The only remedy, therefore, for the evils of the present system seems to be centralization of authority over the administration of child-labor laws in some State agency which can supervise the work of all the local agencies concerned and can itself be held rigidly to account for its responsibilities toward the children of the State.

Even with thorough enforcement, however, such a law as that of New York, under which children who are at work on certificates are released from all supervision except the infrequent visits of inspectors, does not offer adequate protection to young wage earners in the first years of their working lives.

## APPENDIX.

### APPLICATION OF LAWS.

The child-labor laws of New York State are complex and verbose. Many sections overlap each other in content. Sometimes this overlapping involves merely useless repetition, but sometimes it involves real or apparent contradiction. Five long sections are repeated, practically word for word, applying in one case to employment in factories and in the other case to employment in mercantile and other establishments in cities having 3,000 or more inhabitants.<sup>1</sup> The provisions in regard to the powers and duties of inspectors in relation to child labor are scattered through at least six different sections.<sup>2</sup> The labor law says that school records shall be "signed by the principal or chief executive officer of the school which such child has attended,"<sup>3</sup> while the education law, which takes precedence merely because more recently amended, says that they shall be signed—

"*a* In a city of the first class by the principal or chief executive of a school.

"*b* In all other cities and in school districts having a population of 5,000 or more and employing a superintendent of schools, by the superintendent of schools only.

"*c* In all other school districts by the principal teacher of the school."<sup>4</sup>

The greatest degree of complexity, however, appears only when an attempt is made to discover the exact application of the minimum-age and employment-certificate provisions—the corner stone upon which rests the entire structure of child-labor legislation.

No single minimum-age or employment-certificate law applies to all places of employment in all localities and at all times. Instead, five sections of the labor and compulsory education laws apply to different industries, or to places of different sizes, or only to the time when schools are in session. The accompanying chart shows the exact application of each of these sections.

<sup>1</sup> Labor Law, secs. 71, 72, 73, 75, 76, and secs. 162, 163, 164, 165, 166, and 167. For the text of these sections see pp. 120-122, 124.

<sup>2</sup> Labor Law, secs. 43, 56, 59, 76, 167, and 172. For the text of these sections see pp. 116, 118, 119, 122, 124.

<sup>3</sup> Labor Law, secs. 73 and 165. For the text of these sections see pp. 122, 124.

<sup>4</sup> Education Law, sec. 630, subsec. 2. For the text of this section see p. 128.

The minimum age of 14 applies to employment, first, in any place in the State in factories at any time;<sup>1</sup> second, in cities and villages having a population of 3,000 or more in mercantile establishments, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters and other places of amusement, bowling alleys, barber shops, and shoe-polishing establishments, in the distribution or transmission of merchandise, articles, or messages, and in the distribution or sale of articles at any time;<sup>2</sup> and third, anywhere in the State "in any business or service whatever" during "any part of the term during which the public schools of the district or city in which the child resides are in session."<sup>3</sup> But the section of the law which prohibits employment under 14 in factories specifically provides that "nothing herein contained shall prevent a person engaged in farming from permitting his children to do farm work for him upon his farm;" and also that "boys over the age of 12 years may be employed in gathering produce, for not more than six hours in any one day, subject to the requirements" of the education law.<sup>4</sup> The employer is responsible for violation of any minimum-age requirement.

Employment certificates are required of children from 14 to 16 years of age for employment, first, in any place in the State in factories,<sup>5</sup> mercantile establishments, business or telegraph offices, restaurants, hotels, and apartment houses, and in the distribution or transmission of merchandise or messages;<sup>6</sup> second, in first and second class cities in any occupation;<sup>7</sup> and third, in cities and villages having a population of 3,000 or more in theaters and other places of amusement, bowling alleys, barber shops, and shoe-polishing establishments, in the distribution of articles other than merchandise and messages, and in the sale of articles.<sup>8</sup> In addition, school-record certificates are required for employment of children 14 to 16 years of age in any occupation and in any place where employment certificates are not required,<sup>9</sup> i. e., in places of less than 3,000 inhabitants in theaters and other places of amusement, bowling alleys, barber shops, shoe-polishing establishments, in the distribution or transmission of articles other than merchandise or messages, and in the distribution or sale of articles; and anywhere outside of first and second class cities in any occupation whatever not specifically mentioned, except that in places of over 5,000 inhabitants children must hold employment certificates in order to be exempt from school attendance. It is to be noted particularly that children employed by peddlers or in places of amusement in the smaller cities are not required to hold employment but only school-record certificates. The principal significance of this lies in the fact that amusement resorts,

<sup>1</sup> Labor Law, sec. 70. For the text of this section see p. 120.

<sup>2</sup> Labor Law, sec. 162. For the text of this section see p. 124.

<sup>3</sup> Education Law, sec. 626, subsec. 1. For the text of this section see p. 126. In order to receive their full apportionment of public moneys all schools must be in session at least 180 days. Education Law, sec. 492 as amended by Acts of 1913, ch. 511.

<sup>4</sup> Labor Law, sec. 70. For the text of this section see p. 120.

<sup>5</sup> Labor Law, sec. 70; Education Law, sec. 626, subsecs. 2 and 3. For the text of these sections see pp. 120, 126.

<sup>6</sup> Education Law, sec. 626, subsecs. 2 and 3. For the text of this section see p. 126.

<sup>7</sup> Education Law, sec. 626, subsec. 3. For the text of this section see p. 126. Cities of the first class have a population of 175,000 or more; cities of the second class, a population of between 50,000 and 175,000; cities of the third class, a population of less than 50,000; villages may vary widely in population; towns are municipal corporations comprising the inhabitants within their boundaries. The village is a part of the town but the city is not. Towns have no stipulated population in New York State.

<sup>8</sup> Labor Law, sec. 162. For the text of this section see p. 124.

<sup>9</sup> Education Law, sec. 626, subsec. 2. For the text of this section see p. 126.



# ANALYSIS OF APPLICATION OF EMPLOYMENT-CERTIFICATE LAWS OF NEW YORK STATE.

[Certificate requirements for employment and for exemption from school attendance of children 14 to 16 years of age.]

Places of employment.	Law.	Purpose for which certificate is required.	Kind of certificate in specified localities.			
			(1) Cities of first and second class.	Cities or school districts having population of—		
				(2) 5,000 and over.	(3) 3,000 to 5,000.	(4) Under 3,000.
(1) Factories	Labor (1) Sec. 70	(1) Employment	Employment certificate (enforced by factory inspectors)			
	Education (3) Sec. 626		Employment certificate			
	(4) Sec. 621	(2) Exemption from school attendance	Employment certificate and regular employment	Regular and lawful employment in useful work		
	(5) Sec. 624			Employment certificate and regular employment		
(2) Mercantile establishments Business offices Telegraph offices Restaurants Hotels Apartment houses Distribution or transmission of merchandise or messages	Labor (2) Sec. 162	(1) Employment	Employment certificate (Enforced by mercantile inspectors)		(Enforced by local health departments)	No provision
	Education (3) Sec. 626		Employment certificate			
	(4) Sec. 621	(2) Exemption from school attendance	Employment certificate and regular employment	Regular and lawful employment in useful work		
	(5) Sec. 624			Employment certificate and regular employment		
(3) Theaters or other places of amusement Bowling alleys Barber shops Shoe-polishing establishments Distribution or transmission of articles other than merchandise or messages Distribution or sale of articles	Labor (2) Sec. 162	(1) Employment	Employment certificate (Enforced by mercantile inspectors)		(Enforced by local health departments)	No provision
	Education (3) Sec. 626		Employment certificate	School-record certificate		
	(4) Sec. 621	(2) Exemption from school attendance	Employment certificate and regular employment	Regular and lawful employment in useful work		
	(5) Sec. 624			School-record certificate and regular employment		
(4) Other occupations	Labor	No provision				
	Education (3) Sec. 626	(1) Employment	Employment certificate	School-record certificate		
	(4) Sec. 621	(2) Exemption from school attendance	Employment certificate and regular employment	Regular and lawful employment in useful work		
	(5) Sec. 624			School-record certificate and regular employment		

<sup>1</sup> The compulsory education law, secs. 621 and 624, distinguishes between a child "residing in a city or school district having a population of 5,000 or more and employing a superintendent of schools" and one "residing elsewhere than in a city or school district having a population of 5,000 or more and employing a superintendent of schools." It is here assumed that every city or school district having a population of 5,000 or more employs a superintendent of schools.



including dance halls, skating rinks, etc., are frequently situated in small suburbs of large cities. The occupations not mentioned would include, of course, domestic work—for example, nurse maid; farm work, such as picking fruit; and other miscellaneous occupations. Though the majority of employers and of children are covered by the employment-certificate provisions there appear to be many for whom only school-record certificates are required.

The first thing discovered in examining the various sections of the law is that the minimum age for employment and the ages when either employment or school-record certificates are required do not exactly dovetail because they do not apply to exactly the same places of employment. For a child under 16 to stay out of school anywhere for any purpose he must have some form of certificate.<sup>1</sup> For employment out of school hours or during school vacations, however, three out of the five sections relating to employment certificates, each of which has a different application, provide only for issuing certificates to children from 14 to 16 years of age and therefore make no provision for children under 14 who, nevertheless, may be employed in certain places during school vacations. The section of the labor law relating to factories, for example, specifically permits boys over 12 to be employed in gathering produce. If between 14 and 16 years of age such a boy apparently might be required to have an employment certificate<sup>2</sup> whether working during vacation or during the term that schools were in session; but if between 12 and 14—the very period when it is most important to prove that he is actually of an age to be legally employed—nothing in the law appears to prevent his working during vacations without any documentary evidence of the legality of his employment.<sup>3</sup> Moreover, no minimum age is fixed and no form of employment certificate is required during school vacations for children under 14 for any occupation or in any place not specifically mentioned in the labor law—i. e., (1) employment anywhere in the State in factories<sup>4</sup> and (2) employment in cities of over 3,000 inhabitants in mercantile establishments, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters or other places of amusement, bowling alleys, barber shops, shoe-polishing establishments, or in the distribution or transmission of merchandise, articles, or messages, or in the distribution or sale of articles.<sup>5</sup> In the former case the child who can gather produce during vacation without a certificate from the time he is 12 until he is 14, apparently may have to obtain a certificate, even for vacation work, as soon as he becomes 14. In the latter case, too, the child who from the time he is physically capable of any useful labor until he is 14 can be legally employed without a

<sup>1</sup> Education Law, sec. 624. For the text of this section see p. 126.

<sup>2</sup> Labor Law, sec. 70. For the text of this section see p. 120.

<sup>3</sup> Such a case is not covered (1) by Labor Law, sec. 70, because this section requires certificates only for children "between the ages of 14 and 16"; (2) by Labor Law, sec. 162, because this type of employment is not mentioned as covered by this section, and even if it could by any stretch be considered to be covered, this section applies only to cities and villages having a population of over 3,000; (3) by Education Law, sec. 626, because this section requires certificates only for children "between 14 and 16 years of age"; (4) by Education Law, sec. 624, because this section applies only to school attendance, and therefore does not cover vacation employment; or (5) by Education Law, sec. 621, for both of the two last-given reasons. A child under 14 is not exempted from school attendance, even for employment, and Education Law, sec. 626, subsec. 1, makes it illegal to employ a child "in any business or service whatever, for any part of the term during which the public schools of the district or city in which the child resides are in session." This appears to make it illegal to employ any child under 14 after school hours while school is in session, and therefore restricts their employment to school vacations.

<sup>4</sup> Labor Law, sec. 70. For the text of this section see p. 120.

<sup>5</sup> Labor Law, sec. 162. For the text of this section see p. 124.



certificate during the long school vacations—in some nonfactory occupations anywhere and in any nonfactory occupation in a community which has less than 3,000 inhabitants—apparently has to obtain some kind of a certificate for such work after he becomes 14 years of age.<sup>1</sup>

An analysis<sup>2</sup> of the exact application of the sections of the labor and education laws<sup>3</sup> which require certificates for employment or for exemption from school attendance of children from 14 to 16 years of age increases rather than decreases the complexity. To discover for what occupations, in what localities, and at what times such a child must have either an employment certificate or a school-record certificate requires the careful consideration of four different places of employment or groups of such places,<sup>4</sup> four classes of localities,<sup>5</sup> and two elements of time.<sup>6</sup> These provisions are contained in five separate sections of two distinct laws.

Of these five sections only two apply to the same places of employment and the same localities at the same times, and even these two differ somewhat in their requirements.<sup>7</sup> One section of the labor law<sup>8</sup> applies only to factories, but to factories anywhere in the State. The other section of the labor law applies to mercantile establishments and to a list of other places<sup>9</sup>—some but not by any means all of which are covered by one section of the education law. In other words, the places of employment mentioned in the section of the labor law referring to mercantile establishments must be divided into two groups, one of which is covered by requirements similar to those of the labor law relating to factories and the other by entirely different requirements in the education law. Moreover, the occupations not mentioned at all in the labor law constitute a fourth group covered only by the education law.<sup>10</sup> The section of the labor law relating to mercantile and other establishments<sup>11</sup> does not apply to cities and villages of less than 3,000 population; two sections of the education law<sup>12</sup> create differences between cities and

<sup>1</sup> Doubt is thrown upon this interpretation, however, by the fact that the first part of sec. 626 of the education law, the only one relating to employment and not merely to school attendance, prohibits the employment of a child under 14 "in any business or service whatever" only during "any part of the term during which the public schools of the district or city in which the child resides are in session." Though in the subsections relating to certificates no mention is made of this limitation to school terms, it might be argued that this first provision limited the application of the entire section.

<sup>2</sup> The results of such an analysis are presented in tabular form on the chart facing p. 112.

<sup>3</sup> Labor Law, secs. 70 and 162; Education Law, secs. 621, 624, and 626. For the text of these sections see pp. 120, 124, 125, 126.

<sup>4</sup> (1) Factories; (2) mercantile establishments, business offices, telegraph offices, restaurants, hotels, apartment houses, distribution or transmission of merchandise or messages; (3) theaters or other places of amusement, bowling alleys, barber shops, shoe-polishing establishments, distribution or transmission of articles other than merchandise or messages, distribution or sale of articles; and (4) other occupations.

<sup>5</sup> (1) Cities of the first and second classes; and (2) cities or school districts having over 5,000, (3) from 3,000 to 5,000, and (4) under 3,000 inhabitants.

<sup>6</sup> Employment (1) during school hours and (2) outside of school hours.

<sup>7</sup> Education Law, secs. 621 and 624. For the text of these sections see pp. 125, 126. The first of these sections provides that every child must attend school, and the second that every person in parental relation to a child must send the child to school. These two sections both distinguish between (1) children residing in cities or school districts having a population of 5,000 or more and employing a superintendent of schools, and (2) children residing elsewhere. For the first class of children the provisions of the two sections are practically the same, that children from 14 to 16 years of age must attend school unless they have employment certificates and are regularly employed. They are worded differently, however. For the second class of children—those living in cities or school districts having less than 5,000 inhabitants—the first section provides for exemption from school attendance if "regularly and lawfully engaged in any useful employment or service," and the second requires for such exemption either an employment certificate and regular employment in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages; or else a school-record certificate and regular employment in some other occupation or place.

<sup>8</sup> Labor Law, sec. 70. For the text of this section see p. 126.

<sup>9</sup> Labor Law, sec. 162. For the text of this section see p. 124.

<sup>10</sup> Education Law, secs. 621, 624, and 626. For the text of these sections see pp. 125, 126.

<sup>11</sup> Labor Law, sec. 162. For the text of this section see p. 124.

<sup>12</sup> Education Law, secs. 621 and 624. For the text of these sections see pp. 125, 126.

school districts of under 5,000 population and those of 5,000 and over; and the third section of the education law<sup>1</sup> establishes for cities of the first and second classes different requirements from those for the rest of the State. Finally, two sections of the education law<sup>2</sup> relate only to school attendance and therefore do not affect vacation employment or employment before or after school hours, while the third section of the education law and both sections of the labor law<sup>3</sup> relate to employment at any time.

Careful analysis makes the law finally comprehensible, as it brings out the fact that everywhere in the State a child between 14 and 16 must have either an employment or a school-record certificate, and that "regular employment" is required for exemption from school attendance—in other words, such a child must be either at school or at work while the schools are in session. This fact does not, however, obviate the practical disadvantages—especially from the point of view of enforcement—of laws so complicated that their exact application is difficult to determine. Nor are these disadvantages obviated by the fact that, if overlapping provisions apparently requiring both employment and school-record certificates are overlooked on the assumption that the latter can be ignored as themselves prerequisites to obtaining the former, it is possible after careful study to discover where and at what times employment certificates, and where and at what times only school-record certificates are necessary for the employment of children from 14 to 16 years of age.

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<sup>1</sup> Education Law, sec. 626. For the text of this section see p. 126.

<sup>2</sup> Education Law, secs. 621 and 624. For the text of these sections see pp. 125, 126.

<sup>3</sup> Labor Law, secs. 70, 162; Education Law, sec. 626. For the text of these sections see pp. 120, 124, 126.

## LAWS RELATING TO EMPLOYMENT CERTIFICATES.

In effect Jan. 1, 1916.

*Note.*—[The duties, authority, and powers relating to the enforcement of labor laws heretofore exercised by the commissioner of labor, the deputy commissioner of labor, and the industrial board, have been transferred by chapter 674 of the Acts of 1915 to the industrial commission. In every case the new enforcing authority has been indicated in the text by an insertion in brackets, the former enforcing powers being omitted.]

### REGULATED OCCUPATIONS.

#### DEFINITIONS.

*Terms used in labor laws.*—Employee. The term "employee," when used in this chapter, means a mechanic, workingman or laborer who works for another for hire.

Employer. The term "employer," when used in this chapter, means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate.

Factory; work for a factory. The term factory, when used in this chapter, shall be construed to include any mill, workshop, or other manufacturing or business establishment and all buildings, sheds, structures or other places used for or in connection therewith, where one or more persons are employed at labor, except dry dock plants engaged in making repairs to ships, and except power houses, generating plants, barns, storage houses, sheds and other structures owned or operated by a public service corporation, other than construction or repair shops, subject to the jurisdiction of the public service commission under the public service commission law. Work shall be deemed to be done for a factory within the meaning of this chapter whenever it is done at any place, upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through the instrumentality of one or more contractors or other third persons.

\* \* \* \* \*

Mercantile establishment. The term "mercantile establishment," when used in this chapter, means any place where goods, wares or merchandise are offered for sale.

Tenement house. The term "tenement house," when used in this chapter, means any house or building, or portion thereof, which is either rented, leased, let or hired out, to be occupied, or is occupied in whole or in part as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, and includes apartment houses, flat houses and all other houses so occupied, and for the purposes of this chapter shall be construed to include any building on the same lot with any such tenement house and which is used for any of the purposes specified in section one hundred of this chapter.

Whenever, in this chapter, authority is conferred upon the [industrial commission], it shall also be deemed to include [its] deputies or a deputy acting under [its] direction. [Consolidated Laws 1909 volume 3 Labor Chapter 31 article 1 section 2 as amended by 1913 Chapter 529, by 1914 Chapter 512, and by 1915 Chapter 650]

*Court decision.*—A factory is a structure or plant where something is made or manufactured from raw or partly wrought materials into forms suitable for use.—*Shannahan v. Empire Engineering Corporation*, 204 N. Y. 543 (1913).

*Opinion.*—Departments maintained in department stores, clothing stores, and millinery shops, in which articles are made are factories.—Attorney General (1913).

### ALL REGULATED OCCUPATIONS.

#### ENFORCEMENT.

*Industrial commission to be head of the department of labor.*—There shall be a department of labor, the head of which shall be the industrial commission. \* \* \* [C L 1909 v 3 Labor C 31 art 3 s 40 as amended by 1915 C 674]

*Powers of industrial commission; hindering commissioners or their deputies, etc., prohibited.*—1. The commissioners, deputy commissioners, secretary and other officers



and assistants of the commission may administer oaths and take affidavits in matters relating to the powers and duties of the commission.

2. No person shall interfere with, obstruct or hinder by force or otherwise the commissioners, deputy commissioners, or any officer, agent or employee of the department of labor while in the performance of their duties, or refuse to properly answer questions asked by such officers or employees pertaining to the provisions of this chapter, or refuse them admittance to any place which is affected by the provisions of this chapter. \* \* \* [C L 1909 v 3 Labor C 31 art 3 s 43 as amended by 1915 C 674]

*Powers of industrial commission; investigations, etc.*—The commission shall have power to make investigations concerning and report upon the conditions of labor generally and upon all matters relating to the enforcement and effect of the provisions of this chapter and of the rules and regulations of the commission. Each member of the commission and the secretary shall have power to administer oaths and take affidavits and to make personal inspections of all places to which this chapter applies. The commission shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them in relation to any matter it has power to investigate, and to issue commissions for the examination of witnesses who are out of the State or unable to attend before the commission, or excused from attendance. [C L 1909 v 3 Labor C 31 art 3-a s 51 as added by 1913 C 145 and amended by 1915 C 674]

*Regulations of industrial commission.*—(1) The commission shall have power to make, amend and repeal rules and regulations for carrying into effect the provisions of this chapter, applying such provisions to specific conditions and prescribing means, methods and practices to effectuate such provisions.

\* \* \* \* \*

(5) The rules and regulations of the commission shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter.

(6) No provision of this chapter specifically conferring power on the commission to make rules and regulations shall limit the power conferred by this section. [C L 1909 v 3 Labor C 31 art 3-a s 51-a as added by 1915 C 674]

*Opinion.*—The [industrial commission] may adopt rules and regulations for the safety of factories more stringent than corresponding provisions of the Labor Law.—Attorney General (1913).

*First deputy industrial commissioner to be inspector general; bureau of inspection; divisions.*—The bureau of inspection, subject to the supervision and direction of the [industrial commission], shall have charge of all inspections made pursuant to the provisions of this chapter, and shall perform such other duties as may be assigned to it by the [industrial commission]. The first deputy [industrial commissioner] shall be the inspector general of the State, and in charge of this bureau subject to the direction and supervision of the [industrial commission], except that the division of industrial hygiene shall be under the immediate direction and supervision of the [industrial commission]. Such bureau shall have four divisions as follows: Factory inspection, homework inspection, mercantile inspection and industrial hygiene. There shall be such other divisions in such bureau as the [industrial commission] may deem necessary. In addition to their respective duties as prescribed by the provisions of this chapter, such divisions shall perform such other duties as may be assigned to them by the [industrial commission]. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 53 as amended by 1913 C 145]

*Appointment of factory and mercantile inspectors.*—1. Factory inspectors. There shall not be less than one hundred and twenty-five factory inspectors, not more than thirty of whom shall be women. Such inspectors shall be appointed by the [industrial commission] and may be removed by [it] at any time. The inspectors shall be divided into seven grades. Inspectors of the first grade, of whom there shall not be more than ninety-five, shall each receive an annual salary of one thousand two hundred dollars; inspectors of the second grade, of whom there shall be not more than fifty, shall each receive an annual salary of one thousand five hundred dollars; inspectors of the third grade, of whom there shall be not more than twenty-five, shall each receive an annual salary of one thousand eight hundred dollars; inspectors of the fourth grade, of whom there shall be not more than ten, shall each receive an annual salary of two thousand dollars and shall be attached to the division of industrial hygiene and act as investigators in such division; inspectors of the fifth grade, of whom there shall be not more than nine, one of whom shall be able to speak and write at least five European languages in addition to English, shall each receive an annual salary of two thousand five hundred dollars and shall act as supervising inspectors; inspectors of the sixth grade, of whom there shall be not less than three and one of whom shall be a woman, shall act as medical inspectors and shall each receive an annual salary of two thousand

five hundred dollars; inspectors of the seventh grade, of whom there shall be not less than four, shall each receive an annual salary of three thousand five hundred dollars; all of the inspectors of the sixth grade shall be physicians duly licensed to practice medicine in the State of New York. Of the inspectors of the seventh grade one shall be a physician duly licensed to practice medicine in the State of New York, and he shall be the chief medical inspector; one shall be a chemical engineer; one shall be a mechanical engineer, and an expert in ventilation and accident prevention; and one shall be a civil engineer, and an expert in fire prevention and building construction.

2. Mercantile inspectors. The [industrial commission] may appoint from time to time not more than twenty mercantile inspectors not less than four of whom shall be women and who may be removed by [it] at any time. The mercantile inspectors may be divided into three grades but not more than five shall be of the third grade. Each mercantile inspector of the first grade shall receive an annual salary of one thousand dollars; of the second grade an annual salary of one thousand two hundred dollars; and of the third grade an annual salary of one thousand five hundred dollars. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 54 as amended by 1913 C 145]

*Factory-inspection districts; appointment of chief factory inspectors, etc.*—For the inspection of factories, there shall be two inspection districts to be known as the first factory inspection district and the second factory inspection district. The first factory inspection district shall include the counties of New York, Bronx, Kings, Queens, Richmond, Nassau and Suffolk. The second factory inspection district shall include all the other counties of the State. There shall be two chief factory inspectors who shall be appointed by the [industrial commission] and who may be removed by [it] at any time and each of whom shall receive a salary of four thousand dollars a year. The inspection of factories in each factory inspection district shall, subject to the supervision and direction of the [industrial commission], be in charge of a chief factory inspector assigned to such district by the [industrial commission]. The [industrial commission] may designate one of the supervising inspectors as assistant chief factory inspector for the first district, and while acting as such assistant chief factory inspector he shall receive an additional salary of five hundred dollars per annum. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 55 as added by 1913 C 145]

*Duties and powers of industrial commission, factory inspectors, etc.*—1. The [industrial commission] shall, from time to time, divide the State into sub-districts, assign one factory inspector of the fifth grade to each sub-district as supervising inspector, and may in [its] discretion transfer such supervising inspector from one sub-district to another; [it] shall from time to time, assign and transfer factory inspectors to each factory inspection district and to any of the divisions of the bureau of inspection; [it] may assign any factory inspector to inspect any special class or classes of factories or to enforce any special provisions of this chapter; and [it] may assign any one or more of them to act as clerks in any office of the department.

2. The [industrial commission] may authorize any deputy [industrial commissioner] or assistant and any agent or inspector in the department of labor to act as a factory inspector with the full power and authority thereof.

3. The [industrial commission], the first deputy [industrial commissioner] and his assistant or assistants, and every factory inspector and every person duly authorized pursuant to sub-division two of this section may, in the discharge of [its or] his duties enter any place, building or room which is affected by the provisions of this chapter and may enter any factory whenever [it or] he may have reasonable cause to believe that any labor is being performed therein.

4. The [industrial commission] shall visit and inspect or cause to be visited and inspected the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter and the rules and regulations of the [industrial commission] to be enforced therein.

5. Any lawful municipal ordinance,<sup>1</sup> by-law or regulation relating to factories, in addition to the provisions of this chapter and not in conflict therewith, may be observed and enforced by the [industrial commission]. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 56 as amended by 1913 C 145]

*Duties of division of homework inspection.*—The division of homework inspection shall be in charge of an officer or employee of the department of labor designated by the [industrial commission] and shall, subject to the supervision and direction of the [industrial commission], have charge of all inspections of tenement houses and of labor therein and of all work done for factories at places other than such factories. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 57 as added by 1913 C 145]

<sup>1</sup> With the possible exception of New York City ordinances (City of New York v. Trustees of Sailors' Snug Harbor, 85 App. Div. 355, aff'd 180 N. Y. 527, and opinion by Attorney General, Jan. 16, 1904).



*Appointment of chief mercantile inspector.*—The division of mercantile inspection shall be under the immediate charge of the chief mercantile inspector, but subject to the direction and supervision of the [industrial commission]. The chief mercantile inspector shall be appointed and be at pleasure removed by the [industrial commission], and shall receive an annual salary not to exceed four thousand dollars. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 58 as amended by 1914 C 333]

*Mercantile inspection districts; duties and powers of industrial commission, mercantile inspectors, etc.*—1. The [industrial commission] may divide the cities of the first and second class of the State into mercantile inspection districts, assign one or more mercantile inspectors to each such district, and may in his discretion transfer them from one such district to another; he may assign any of them to inspect any special class or classes of mercantile or other establishments specified in article twelve of this chapter, situated in cities of the first and second class, or to enforce in cities of the first or second class any special provision of such article.

2. The [industrial commission] may authorize any deputy [industrial commissioner] or assistant and any agent or inspector in the department of labor to act as a mercantile inspector with the full power and authority thereof.

3. The [industrial commission], the chief mercantile inspector and his assistant or assistants and every mercantile inspector or acting mercantile inspector may in the discharge of [its or] his duties enter any place, building or room in cities of the first or second class which is affected by the provisions of article twelve of this chapter, and may enter any mercantile or other establishment specified in said article, situated in the cities of the first or second class, whenever [it or] he may have reasonable cause to believe that it is affected by the provisions of article twelve of this chapter.

4. The [industrial commission] shall visit and inspect or cause to be visited and inspected the mercantile and other establishments specified in article twelve of this chapter situated in cities of the first and second class, as often as practicable, and shall cause the provisions of said article and the rules and regulations of the [industrial commission] to be enforced therein.

5. Any lawful municipal ordinance, by-law or regulation relating to mercantile or other establishments specified in article twelve of this chapter, in addition to the provisions of this chapter and not in conflict therewith, may be enforced by the [industrial commission] in cities of the first and second class. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 59 as amended by 1913 C 145]

*Duties and powers of division of industrial hygiene.*—The inspectors of the seventh grade shall constitute the division of industrial hygiene, which shall be under the immediate charge of the [industrial commission]. The [industrial commission] may select one of the inspectors of the seventh grade to act as the director of such division, and such director while acting in that capacity shall receive an additional compensation of five hundred dollars a year. The members of the division of industrial hygiene shall make special inspections of factories, mercantile establishments and other places subject to the provisions of this chapter, throughout the State, and shall conduct special investigations of industrial processes and conditions. The commissioner of labor [industrial commission] shall submit to the industrial board [industrial commission] the recommendations of the division regarding proposed rules and regulations and standards to be adopted to carry into effect the provisions of this chapter and shall advise said board [commission] concerning the operation of such rules and standards and as to any changes or modifications to be made therein. The members of such division shall prepare material for leaflets and bulletins calling attention to dangers in particular industries and the precautions to be taken to avoid them; and shall perform such other duties and render such other services as may be required by the [industrial commission]. The director of such division shall make an annual report to the [industrial commission] of the operation of the division, to which may be attached the individual reports of each member of the division as above specified, and same shall be transmitted to the legislature as part of the annual report of the [industrial commission]. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 60 as added by 1913 C 145]

*Duties and powers of medical inspectors.*—The inspectors of the sixth grade shall constitute the section of medical inspection which shall, subject to the supervision and direction of the director of the division of industrial hygiene, be under the immediate charge of the chief medical inspector. The section of medical inspection shall inspect factories, mercantile establishments and other places subject to the provisions of this chapter throughout the State with respect to conditions of work affecting the health of persons employed therein and shall have charge of the physical examination and medical supervision of all children employed therein and shall perform such other duties and render such other services as the [industrial commission] may direct. [C L 1909 v 3 Labor C 31 art 4 (as renumbered by 1913 C 145) s 61 as added by 1913 C 145]



*Powers of industrial commission; information to be furnished upon request; hindering commissioners or their deputies, etc., prohibited; penalty.*—The owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment, or any agent, superintendent, subordinate, or employee thereof, and any person employing or directing any labor affected by the provisions of this chapter, shall, when requested by the [industrial commission], furnish any information in his possession or under his control which [said commission] is authorized to require, and shall admit [it] or [its] duly authorized representative to any place which is affected by the provisions of this chapter for the purpose of inspection. A person refusing to admit such [industrial commission], or person authorized by [it], to any such establishment, or to furnish [it] any information requested, or who refuses to answer or untruthfully answers questions put to him by such [industrial commission], in a circular or otherwise, shall forfeit to the people of the State the sum of one hundred dollars for each refusal or untruthful answer given, to be sued for and recovered by the [industrial commission] in [its] name of office. The amount so recovered shall be paid into the State treasury. [C L 1909 v 3 Labor C 31 art 5 (as renumbered by 1913 C 145) s 64 as amended by 1913 C 145]

*Factories to be registered with State department of labor.*—The owner of every factory shall register such factory with the State department of labor, giving the name of the owner, his home address, the address of the business, the name under which it is carried on, the number of employees and such other data as the [industrial commission] may require. Such registration of existing factories shall be made within six months after this section takes effect. Factories hereafter established shall be so registered within thirty days after the commencement of business. Within thirty days after a change in the location of a factory the owner thereof shall file with the [industrial commission] the new address of the business, together with such other information as the [industrial commission] may require. [C L 1909 v 3 Labor C 31 art 6 s 69 as added by 1912 C 335]

## FACTORIES.

### MINIMUM AGE AND EMPLOYMENT CERTIFICATES.

*Employment under 14 prohibited; certificates required from 14 to 16; farm work excepted under certain conditions.*—No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this State, or for any factory at any place in this State. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child. Nothing herein contained shall prevent a person engaged in farming from permitting his children to do farm work for him upon his farm. Boys over the age of twelve years may be employed in gathering produce, for not more than six hours in any one day, subject to the requirements of chapter twenty-one of the laws of nineteen hundred and nine, entitled "An act relating to education, constituting chapter sixteen of the Consolidated Laws," and all acts amendatory thereof. [C L 1909 v 3 Labor C 31 art 6 s 70 as amended by 1913 C 529]

*Court decisions.*—Under a former section, of which this is an amendment, the following decisions were rendered: Violation is a misdemeanor and prima facie evidence of negligence on the part of the employer; and a child employed in violation of the statute does not assume the risk of such employment and can not be held guilty of contributory negligence.—*Marino v. Lehmaier*, 173 N. Y. 530, 66 N. E. 572 (1901); *Sitts v. Waiiontha Co.*, 94 App. Div. 38 (1904); *Lee v. Sterling Silk Mfg. Co.*, 115 App. Div. 589, 93 N. Y. S. 560 (1906); *Fortune v. Hall*, 122 App. Div. 250 (1906); *Kenyon v. Sanford Mfg. Co.*, 119 App. Div. 570 (1907); *Danaher v. American Mfg. Co.*, 126 App. Div. 385 (1908); *Koester v. Rochester Candy Works*, 194 N. Y. 92 (1909). The prohibition is absolute and ignorance of the child's age is no defense.—*City of New York v. Chelsea Jute Mills*, 43 Misc. 266, 88 N. Y. S. 1085 (1904). But an officer of a corporation who has directed that no child shall be employed contrary to law is not liable if a subordinate, without his knowledge, illegally employs a child.—*People v. Taylor*, 192 N. Y. 398 (1908). Where a girl, 15 years old, without an employment certificate, was injured by defects in machinery, the master was liable.—*Crowley v. American Druggist Syndicate*, 138 N. Y. S. 642, 152 App. Div. 775 (1912).

*Opinion.*—A child under 14 years of age may not be employed in a factory or mercantile establishment which is owned or controlled by the child's parents.—Attorney General (1912).

### EMPLOYMENT CERTIFICATES AND RECORDS.

*Commissioner of health to issue certificates; age, school, and health records required; method of issuing.*—Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the

application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed, viz: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) Birth certificate: A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be conclusive evidence of the age of such child.

(b) Certificate of graduation: A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the State of New York or elsewhere, having a course of not less than eight years, or of a school in the State of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by article \* \* \* [23] of the education law: *Provided*, That the record of such school shows such child to be at least fourteen years of age.

(c) Passport or baptismal certificate: A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) Other documentary evidence: In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested, and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) Physicians' certificates: In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian, or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of the child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write



simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. In every case, before an employment certificate is issued, such physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on a blank to be furnished for the purpose by the State [industrial commission] and shall set forth thereon such facts concerning the physical condition and history of the child as the [industrial commission] may require. [C L 1909 v 3 Labor C 31 art 6 s 71 as amended by 1912 C 333]

*Court decision.*—Employment of a child between 14 and 16 in violation of the two preceding sections is negligence. The child can not be guilty of contributory negligence or assume the risks of employment.—*Dragotto v. Plunkett*, 99 N. Y. 361, 113 App. Div. 618 (1906).

*Opinion.*—The requirement of an examination as to physical fitness is of State-wide application and is not limited to cities of the first class. Attorney General (1912).

*Contents of certificate.*—Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined. [C L 1909 v 3 Labor C 31 art 6 s 72]

*Contents of school record; educational requirements.*—The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions and has completed the work prescribed for the first six years of the public elementary school or school equivalent thereto or parochial school from which such school record is issued. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian. [C L 1909 v 3 Labor C 31 art 6 s 73 as amended by 1913 C 144]

*Enforcement: duties and powers of industrial commission; list of certificates to be sent to industrial commission; blank certificates, etc.*—The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the [industrial commission], a list of the names of all children to whom certificates have been issued during the preceding month together with a duplicate of the record of every examination as to the physical fitness, including examinations resulting in rejection. In cities of the first and second class all employment certificates and school records required under the provisions of this chapter shall be in such form as shall be approved by the [industrial commission]. In towns, villages or cities other than cities of the first or second class, the [industrial commission] shall prepare and furnish blank forms for such employment certificates and school records. No school record or employment certificate required by this article, other than those approved or furnished by the [industrial commission] as above provided, shall be used. The [industrial commission] shall inquire into the administration and enforcement of the provisions of this article by all public officers charged with the duty of issuing employment certificates, and for that purpose the [industrial commission] shall have access to all papers and records required to be kept by all such officers. [C L 1909 v 3 Labor C 31 art 6 s 75 as amended by 1913 C 144]

*Lists required under 16; certificates to be returned to child or parent; evidence of age may be required for child apparently under 16; false statement a misdemeanor; evidence of illegal employment.*—Each person owning or operating a factory and employing children therein shall keep, or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection upon the demand of the [industrial commission]. On termination of the employment of a child so registered, and whose certifi-



cate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The [industrial commission] may make demand on any employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this article, that such employer shall either furnish [it] within ten days, evidence satisfactory to [it] that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The [industrial commission] may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said factory, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall be filed with the [industrial commission] and a material false statement made in any such paper or affidavit by any person, shall be a misdemeanor.<sup>1</sup> In case such employer shall fail to produce and deliver to the [industrial commission] within ten days after such demand such evidence of age herein required by [it], and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed. [C L 1909 v 3 Labor C 31 art 6 s 76]

*Certificates of physical fitness may be required from 14 to 16; revocation of employment certificates.*—1. All children between fourteen and sixteen years of age employed in factories shall submit to a physical examination whenever required by a medical inspector of the State department of labor. The result of all such physical examinations shall be recorded on blanks furnished for that purpose by the [industrial commission], and shall be kept on file in such office or offices of the department as the [industrial commission] may designate.

2. If any such child shall fail to submit to such physical examination, the [industrial commission] may issue an order canceling such child's employment certificate. Such order shall be served upon the employer of such child who shall forthwith deliver to an authorized representative of the department of labor the child's employment certificate. A certified copy of the order of cancellation shall be served on the board of health or other local authority that issued the said certificate. No such child whose employment certificate has been canceled, as aforesaid, shall, while said cancellation remains unrevoked, be permitted or suffered to work in any factory of the State before it attains the age of sixteen years. If thereafter such child shall submit to the physical examination required, the [industrial commission] may issue an order revoking the cancellation of the employment certificate and may return the employment certificate to such child. Copies of the order of revocation shall be served upon the former employer of the child and the local board of health as aforesaid.

3. If as a result of the physical examination made by a medical inspector it appears that the child is physically unfit to be employed in a factory, such medical inspector shall forthwith submit a report to that effect to the [industrial commission] which shall be kept on file in the office of the [industrial commission], setting forth in detail his reasons therefor, and the [industrial commission] may issue an order canceling the employment certificate of such child. Such order of cancellation shall be served, and the child's employment certificate delivered up, as provided in subdivision two hereof, and no such child while the said order of cancellation remains unrevoked shall be permitted or suffered to work in any factory of the State before it attains the age of sixteen years. If upon a subsequent physical examination of the child by a medical inspector of the department of labor it appears that the physical infirmities have been removed, such medical inspector shall certify to that effect to the [industrial commission], and the [industrial commission] may thereupon make an order revoking the cancellation of the employment certificate and may return the certificate to such child. The order of revocation shall be served in the manner provided in subdivision two hereof. [C L 1909 v 3 Labor C 31 art 6 s 76—a as added by 1913 C 200]

<sup>1</sup> For penalty for misdemeanor, see page 131 (Consolidated Laws 1909, volume 4, Penal, chapter 40, article 174, section 1937).

## EDUCATIONAL REQUIREMENTS.

## COMPULSORY SCHOOL ATTENDANCE.

*Enforcement: lists of alien children to be procured by industrial commission.—*

\* \* \* \* \*

2. The [industrial commission] shall procure with the consent of the Federal authorities complete lists giving the names, ages, and destination within the State of all alien children of school age, and such other facts as will tend to identify them, and shall forthwith deliver copies of such lists to the commissioner of education or the several boards of education and school boards in the respective localities within the State to which said children shall be destined, to aid in the enforcement of the provisions of the education law relative to the compulsory attendance at school of children of school age. [C L 1909 v 3 Labor C 31 art 11 (as renumbered by 1913 C 145) s 153 as added by 1910 C 514 and amended by 1912 C 543]

## MERCANTILE ESTABLISHMENTS, THEATERS, STREET TRADES, MESSENGERS, ETC.

## APPLICATION OF ACT.

*Certain cities.*—The provisions of this article shall apply to all villages and cities which at the last preceding State enumeration had a population of three thousand or more. [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 160]

## MINIMUM AGE AND EMPLOYMENT CERTIFICATES AND RECORDS.

*Employment under 14 prohibited; certificates required from 14 to 16.*—No child under the age of fourteen years shall be employed or permitted to work in or in connection with any mercantile or other business or establishment specified in the preceding section [mercantile establishment, business office, telegraph office, restaurant, hotel, apartment house, theater or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the distribution or sale of articles]. No child under the age of sixteen years shall be so employed or permitted to work unless an employment certificate, issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child. [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 162 as amended by 1911 C 866]

*Commissioner of health to issue certificates; age, school, and health records required; method of issuing.*—[This section is practically identical with section 71, article 6 of this chapter.] [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 163 as amended by 1913 C 144]

*Contents of certificates.*—[This section is practically identical with section 72, article 6 of this chapter.] [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 164]

*Contents of school records; educational requirements.*—[This section is practically identical with section 73, article 6 of this chapter.] [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 165 as amended by 1913 C 144]

*Enforcement; duties and powers of industrial commission; lists of certificates to be sent to industrial commission; blank certificates, etc.*—[This section is practically identical with section 75, article 6 of this chapter.] [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 166 as added by 1913 C 144]

*Lists required under 16; certificates to be returned to child or parent; evidence of age may be required for child apparently under 16; false statement a misdemeanor; evidence of illegal employment.*—[This section is practically identical with section 76, article 6 of this chapter, except that in section 76 the provisions are enforced by the [industrial commission] and in this section by the [industrial commission] in cities of the first and second classes and by the health officers in other cities, villages, etc.] [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 167 as amended by 1913 C 145]

## ALL REGULATED OCCUPATIONS.

## ENFORCEMENT.

*Duties and powers of industrial commission, health commissioners, etc.*—Except in cities of the first and second class the board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same

and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within sixty days after the alleged offense was committed. All officers and members of such boards or department[s], all health commissioners, inspectors and other persons appointed or designated by such boards, departments or commissioners may visit and inspect, at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article. In cities of the first and second class the [industrial commission] shall enforce the provisions of this article, and for that purpose [said commission] and [its] subordinates shall possess all powers herein conferred upon town, village, or city boards and departments of health and their commissioners, inspectors, and other officers, except that the board or department of health of said cities of the first and second class shall continue to issue employment certificates as provided in section one hundred and sixty-three of this chapter. [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 172 as amended by 1913 C 145]

*Copy of law to be posted under certain conditions.*—A copy or abstract of applicable provisions of this chapter and of the rules and regulations of the [industrial commission] to be prepared and furnished by the [industrial commission] shall be kept posted by the employer in a conspicuous place on each floor of every mercantile or other establishment specified in article twelve of this chapter situated in cities of the first or second class, wherein three or more persons are employed who are affected by such provisions. [C L 1909 v 3 Labor C 31 art 12 (as renumbered by 1913 C 145) s 173 as amended by 1913 C 145]

## EDUCATIONAL REQUIREMENTS.

### COMPULSORY SCHOOL AND EVENING AND CONTINUATION SCHOOL ATTENDANCE.

*Instruction required.*—The instruction required under this article shall be:

1. At a public school in which at least the six common school branches of reading, spelling, writing, arithmetic, English language and geography are taught in English.

2. Elsewhere than a public school upon instruction in the same subjects taught in English by a competent teacher. [C L 1910 v 8 Education C 16 art 23 s 620]

*Children from 7 to 14 in certain cities, from 8 to 14 in certain other cities, and from 14 to 16 if not regularly and lawfully employed.*—1. Every child within the compulsory school ages, in proper physical and mental condition to attend school, residing in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall regularly attend upon instruction as follows:

(a) Each child between seven and fourteen years of age shall attend the entire time during which the school attended is in session, which period shall be not less than one hundred and sixty days of actual school.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service, and to whom an employment certificate has not been duly issued under the provisions of the labor law, shall so attend the entire time during which the school attended is in session.

2. Every such child, residing elsewhere than in a city or school district having a population of five thousand or more and employing a superintendent of schools, shall attend upon instruction during the entire time that the school in the district shall be in session as follows:

(a) Each child between eight and fourteen years of age.

(b) Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service. \* \* \* [C L 1910 v 8 Education C 16 art 23 s 621 as amended by 1911 C 710 and by 1913 C 511]

*Boys from 14 to 16 to attend evening or continuation schools and girls from 14 to 16 to attend continuation schools under certain conditions.*—1. Every boy between fourteen and sixteen years of age, in a city of the first class or a city of the second class in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the regents or the certificate of the completion of an elementary course issued by the education department, shall attend the public evening schools of such city, or



other evening schools offering an equivalent course of instruction, for not less than six hours each week, for a period of not less than sixteen weeks.

2. When the board of education in a city or district shall have established part-time and continuation schools or courses of instruction for the education of young persons between fourteen and sixteen years of age who are regularly employed in such city or district, said board of education may require the attendance in such schools or on such courses of instruction of any young person in such a city or district who is in possession of an employment certificate duly issued under the provisions of the labor law, who has not completed such courses of study as are required for graduation from the elementary public schools of such city or district, or equivalent courses of study in parochial or other elementary schools, who does not hold either a certificate of graduation from the public elementary school or a preacademic certificate of the completion of the elementary course issued by the education department, and who is not otherwise receiving instruction approved by the board of education as equivalent to that provided for in the schools and courses of instruction established under the provisions of this act. The required attendance provided for in this paragraph shall be for a total of not less than thirty-six weeks per year, at the rate of not less than four and not more than eight hours per week, and shall be between the hours of eight o'clock in the morning and five o'clock in the afternoon of any working day or days.

3. The children attending such part-time or continuation schools as required in paragraph two of this section shall be exempt from the attendance on evening schools required in paragraph one of this section. [C L 1910 v 8 Education C 16 art 23 s 622 as amended by 1913 C 748]

*Regulations for attendance at other than public schools.*—If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given to children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours each day thereof as are required of children of like age at public schools; and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public schools to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school. [C L 1910 v 8 Education C 16 art 23 s 623]

*Children from 7 to 14 in certain districts and from 14 to 16 unless regularly and lawfully employed; from 8 to 16 in other districts, unless regularly and lawfully employed, etc.*—Every person in parental relation to a child within the compulsory school ages and in proper physical and mental condition to attend school, shall cause such child to attend upon instruction, as follows:

1. In cities and school districts having a population of five thousand or above, every child between seven and sixteen years of age as required by section six hundred and twenty-one of this act unless an employment certificate shall have been duly issued to such child under the provisions of the labor law and he is regularly employed thereunder.

2. Elsewhere than in a city or school district having a population of five thousand or above, every child between eight and sixteen years of age, unless such child shall have received an employment certificate duly issued under the provisions of the labor law and is regularly employed thereunder in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, or unless such child shall have received the school record certificate issued under section six hundred and thirty of this act and is regularly employed elsewhere than in the factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. [C L 1910 v 8 Education C 16 art 23 s 624]

*Penalty for preceding section.*—A violation of section six hundred and twenty-four shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, or five days' imprisonment, and for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. \* \* \* [C L 1910 v 8 Education C 16 art 23 s 625]

## ALL OCCUPATIONS—EDUCATIONAL REQUIREMENTS.

### MINIMUM AGE AND EMPLOYMENT CERTIFICATES.

*Employment under 14 prohibited during school hours; employment and school record certificates required from 14 to 16 for employment in certain occupations elsewhere than in cities of the first and second class; employment certificates required from 14 to 16 in cities of the first and second class.*—It shall be unlawful for any person, firm or corporation:

1. To employ [employ] any child under fourteen years of age, in any business or service whatever, for any part of the term during which the public schools of the district or city in which the child resides are in session.

2. To employ, elsewhere than in a city of the first class or a city of the second class, in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages, any child between fourteen and sixteen years of age who does not at the time of such employment present an employment certificate duly issued under the provisions of the labor law, or to employ any such child in any other capacity who does not at the time of such employment present a school record certificate as provided in section six hundred and thirty of this chapter.

3. To employ any child between fourteen and sixteen years of age in a city of the first class or a city of the second class who does not, at the time of such employment, present an employment certificate, duly issued under the provisions of the labor law. [C L 1910 v 8 Education C 16 art 23 s 626]

NOTE.—[The provisions for employment certificates as provided for in this article are apparently superseded by articles 6 and 12, chapter 31, volume 3, Labor, Consolidated Laws 1909.]

*Certificates to be displayed from 14 to 16.*—The employer of any child between fourteen and sixteen years of age in a city or district shall keep and shall display in the place where such child is employed, the employment certificate and also his evening, part-time or continuation school certificate issued by the school authorities of said city or district or by an authorized representative of such school authorities, certifying that the said child is regularly in attendance at an evening, part-time or continuation school of said city as provided in section six hundred and thirty-one of this chapter. [C L 1910 v 8 Education C 16 art 23 s 627 as amended by 1913 C 748]

*Penalty for illegal employment.*—Any person, firm, or corporation, or any officer, manager, superintendent or employee acting therefor, who shall employ any child contrary to the provisions of sections six hundred and twenty-six and six hundred and twenty-seven hereof shall be guilty of a misdemeanor, and the punishment therefor shall be for the first offense a fine of not less than twenty dollars nor more than fifty dollars; for a second and each subsequent offense, a fine of not less than fifty dollars nor more than two hundred dollars. [C L 1910 v 8 Education C 16 art 23 s 628 as amended by 1913 C 748]

*Court decision.*—The section of which this is an amendment was held constitutional.—City of New York v. Chelsea Jute Mills, 43 Misc. 266, 88 N. Y. S. 1085 (1904).

#### COMPULSORY SCHOOL ATTENDANCE.

*Enforcement: duties of teachers; misdemeanor.*—An accurate record of the attendance of all children between seven and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such record shall, at all times, be open to the attendance officers or other person duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors, or other persons, and a willful neglect or refusal so to answer any such inquiry shall be a misdemeanor.<sup>1</sup> [C L 1910 v 8 Education C 16 art 23 s 629]

#### SCHOOL-RECORD CERTIFICATES.

*School authorities to issue certificates; contents of certificate.*—1. A school-record certificate shall contain a statement certifying that a child has regularly attended the public schools, or schools equivalent thereto, or parochial schools, for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record, and that he is able to read and write simple sentences in the English language and has received during such period instruction in reading, writing, spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, and has completed the work prescribed for the first six years of the public elementary school, or school equivalent thereto, or parochial school, from which such school record is issued. Such record shall also give the date of birth and residence of the child, as shown on the school records, and the name of the child's parents, guardian or custodian.

<sup>1</sup> For penalty for misdemeanor, see p. 131 (Consolidated Laws 1909, volume 4, Penal, chapter 40, article 174, section 1937).



2. A teacher or superintendent to whom application shall be made for a school-record certificate required under the provisions of the labor law shall issue a school-record certificate to any child who, after due investigation and examination, may be found to be entitled to the same as follows:

- a. In a city of the first class by the principal or chief executive of a school.
- b. In all other cities and in school districts having a population of five thousand or more and employing a superintendent of schools, by the superintendent of schools only.
- c. In all other school districts by the principal teacher of the school.
- d. In each city or school district such certificate shall be furnished on demand to a child entitled thereto or to the board or commissioner of health. [C L 1910 v 8 Education C 16 art 23 s 630 as amended by 1913 C 101]

*School authorities to issue evening or continuation school certificates; requirements for and contents of certificates.*—The school authorities in a city or district, or officers designated by them, are hereby required to issue to each child lawfully in attendance at an evening, part-time or continuation school, an evening, part-time or continuation school certificate at least once in each month during the month said evening, part-time or continuation school is in session and at the close of the term of said evening, part-time or continuation school: *Provided*, That said child has been in attendance upon said evening school, for not less than six hours each week or upon said part-time or continuation school for not less than four hours each week, for such number of weeks as will, when taken in connection with the number of weeks such evening, part-time or continuation school respectively, shall be in session during the remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school, of not less than six hours per week for a period of not less than sixteen weeks or in said part-time or continuation school, of not less than four hours per week for a period of not less than thirty-six weeks. Such certificate shall state fully the period of time which the child to whom it is issued was in attendance upon such evening, part-time or continuation school. [C L 1910 v 8 Education C 16 art 23 s 631 as amended by 1913 C 748]

#### ENFORCEMENT.

*Duties and powers of attendance officers and superintendent of schools, etc.*—1. The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this article and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this article within such city or school district.

2. The town board of each town shall appoint, subject to the written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner district such town is situated. [C L 1910 v 8 Education C 16 art 23 s 632]

*Powers of truant officers.*—

\* \* \* \* \*

3. A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand. [C L 1910 v 8 Education C 16 art 23 s 633]

#### PENALTIES.

*Hindering attendance officers, etc., a misdemeanor.*—Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of the children employed or the employment certificate of such children shall be guilty of a misdemeanor.<sup>1</sup> [C L 1910 v 8 Education C 16 art 23 s 634]

*School moneys may be withheld from cities and districts not enforcing law.*—1. The commissioner of education shall supervise the enforcement of this law and he may withhold one-half of all public school moneys from any city or district, which, in his judg-

<sup>1</sup> For penalty for misdemeanor, see page 131 (Consolidated Laws 1909, volume 4, Penal, chapter 40, article 174, section 1937).



ment, willfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such willful omission and refusal shall, in his judgment, continue. \* \* \* [C L 1910 v 8 Education C 16 art 23 s 636]

## SCHOOL CENSUS.

*Enumeration of children from 4 to 18; duties of permanent census board in cities of the first class except New York.*—A permanent census board is hereby established in each city of the first class, except the city of New York. In the city of New York provision shall be made by the board of education for taking a school census in connection with the work of enforcing the compulsory education law. Such permanent census board shall consist of the mayor, the superintendent of schools, the police commissioner or officer performing duties similar to those of a police commissioner. The mayor shall be the chairman of such board. Such board shall have power to make such rules and regulations as may be necessary to carry out the provisions of this article. Such board shall have power to appoint a secretary and such clerks and other employees as may be necessary to carry out the provisions of this article and to fix the salaries of the same. Such board shall ascertain through the police force, the residences and employments of all persons between the ages of four and eighteen years residing within such cities and shall report thereon from time to time to the school authorities of such cities. Under the regulations of such board, during the month of October, nineteen hundred and nine, it shall be the duty of the police commissioners in such cities of the first class to cause a census of the children of their respective cities to be taken. Thereafter such census shall be amended from day to day by the police, precinct by precinct, as changes of residence occur among the children of such cities within the ages prescribed in this article and as other persons come within the ages prescribed herein and as other persons within such ages shall become residents of such cities, so that said board shall always have on file a complete census of the names and residences of the children between such ages and of the persons in parental relation thereto. It shall be the duty of persons in parental relation to any child residing within the limits of said cities of the first class to report at the police station house of the precinct within which they severally reside, the following information:

1. Two weeks before any child becomes of the compulsory school age the name of such child, its residence, the name of the person or persons in parental relation thereto, and the name and location of the school to which such child is sent as a pupil.

2. In case a child of compulsory school age is for any cause removed from one school and sent to another school, or sent to work in accordance with the labor law, all the facts in relation thereto.

3. In case the residence of a child is removed from one police precinct to another police precinct, the new residence and the other facts required in the two preceding subdivisions.

4. In case a child between the ages of four and eighteen becomes a resident of one of said cities of the first class for the first time the residence and such other facts as the census board shall require. Such census shall include all persons between the ages of four and eighteen years, the day of the month and the year of the birth of each of such persons, their respective residences by street and number, the names of their parents or guardians, such information relating to illiteracy and to the enforcement of the law relating to child labor and compulsory education as the school authorities of the State and of such cities shall require and also such further information as such authorities shall require. [C L 1910 v 8 Education C 16 art 24 s 650 as amended by 1914 C 480]

*Enumeration of children from 4 to 18 in New York City; duties of bureau of compulsory education, school census, and child welfare.*—The board of education shall have power to establish a bureau of compulsory education, school census and child welfare and subject to the provisions of law and of this act, the said board shall have power to make by-laws, rules, regulations and prescribe forms for the proper performance of the duties of all persons employed in and under the direction of said bureau. On the nomination of the board of superintendents the board of education shall have power to appoint a director and an assistant director of the said bureau for a term of six years each, and such attendance officers, enumerators, clerks and other employees as may be necessary, and to fix their salaries within the proper appropriation; to assign a chief attendance officer, and one or more attendance officers as supervising attendance officers for such periods as may be prescribed in the by-laws of the board of education. No person shall be eligible for the position of director or of assistant director of the said bureau who has not one of the following qualifications: (a) Graduation from a college or university recognized by the University of the State of New

York, together with five years' experience in teaching or supervision since graduation. (b) A principal's license for any of the boroughs of the city of New York obtained as the result of an examination, together with ten years' experience in teaching or supervision. The director and assistant director shall be participants in the teachers' retirement fund under section ten hundred and ninety-two of the charter of the city of New York and be subject to its provisions. Attendance officers employed under the direction of the said bureau shall perform duties in connection with the enforcement of the compulsory education law, in the taking of a school census, and in connection with the employment of children under the labor law, and such other duties, not inconsistent with this act, as the director of the bureau or the board of education may prescribe. It shall be the duty of persons in parental relation to any child between the ages of four and eighteen years residing in the city of New York to give to the educational authorities of the district within which they severally reside, all the information prescribed in section six hundred and fifty of article twenty-four of the education law of the State relating to such child, and such other information as may be required. Persons in parental relation who withhold such information shall be liable to the penalty prescribed in section six hundred and fifty-three of article twenty-four of the education law of the State. It shall be the duty of attendance officers, acting as census enumerators, to collect the information prescribed in section six hundred and fifty of article twenty-four of the education law and such other information as the State commissioner of education or the board of education may require. The director of the bureau of compulsory education, school census and child welfare, herein established, shall, subject to the by-laws of the board of education and in its name, enforce the compulsory education law, direct attendance officers in their duty, commit and parole truant and delinquent children and proceed against those in parental relation in the manner provided in section six hundred and thirty-five of chapter one hundred and forty of the laws of nineteen hundred and ten as amended, any provision of the said law or of section ten hundred and seventy-eight of the charter of the city of New York to the contrary notwithstanding. The assistant director shall perform such duties in connection with the supervision of the school census, or otherwise, as the director, subject to the by-laws of the board of education, may prescribe. Under the direction of the board of education the city superintendent of schools shall have a general supervision of the bureau of compulsory education, school census and child welfare. On or about May first, nineteen hundred and fourteen, the board of education shall ascertain the information required by section six hundred and fifty of article twenty-four of the education law of the State relating to a census of all persons within the city of New York between the ages of four and eighteen years of age. Thereafter such census shall be amended from day to day by attendance officers, clerks and other employees under the supervision of the director, as changes of residence occur among children of such city within the ages prescribed in this article, and as other persons come within the ages prescribed, and as other persons within such ages shall become residents of such city, so that the said board of education in its census bureau shall always have on file a complete census of the names and residences of the children between such ages and of the persons in parental relation thereto. [Greater New York Charter 1901 C 461 s 1069 subdivision 8 as added by 1914 C 479]

*Enumeration of children from 4 to 18; duties of permanent census board or school authorities in other than cities of the first class.*—A permanent census board may be established in any city not of the first class, in accordance with the provisions of this article. If a census board shall not be established in such cities, then, during the month of October, nineteen hundred and nine, and in the month of October every fourth year thereafter, the school authorities of every city, not a city of the first class, shall take a census of the children of their respective cities. Such census shall include the information required from the cities of the first class as provided in section six hundred and fifty of this chapter. [C L 1910 v 8 Education C 16 art 24 s 651]

*Enumeration of children from 5 to 18; duties of boards of trustees in school districts.*—The board of trustees of every school district shall annually on the thirtieth day of August cause a census of all children between the ages of five and eighteen years to be taken in their respective school districts. Such census shall include the information required from cities as provided in this article. [C L 1910 v 8 Education C 16 art 24 s 652]

*Penalty for false information, etc.*—A parent, guardian or other person having under his control or charge a child between the ages of four and eighteen years who withholds or refuses to give information in his possession relating to such child and required under this article, or any such parent, guardian or other person who gives false information in relation thereto, shall be liable to and punished by fine not exceeding twenty dollars or by imprisonment not exceeding thirty days. [C L 1910 v 8 Education C 16 art 24 s 653]

## ALL REGULATED OCCUPATIONS.

## PENALTIES.

*Violation of labor laws and false statements.*—Any person who violates or does not comply with any provision of the labor law, any provision of the industrial code, any rule or regulation of the [industrial commission] \* \* \* or any lawful order of the [industrial commission]; and any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles six \* \* \* of the labor law to appear in any affidavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished, except as in this chapter otherwise provided, for a first offense by a fine of not less than twenty nor more than fifty dollars; for a second offense by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. [C L 1909 v 4 Penal C 40 art 120 s 1275 as amended by 1913 C 349]

*Misdemeanor.*—A person convicted of a crime declared to be a misdemeanor, for which no other punishment is specially prescribed by this chapter, or by any other statutory provision in force at the time of the conviction and sentence, is punishable by imprisonment in a penitentiary, or county jail, for not more than one year, or by a fine of not more than five hundred dollars, or by both. [C L 1909 v 4 Penal C 40 art 174 s 1937]



## AMENDMENTS TO EMPLOYMENT-CERTIFICATE LAW.

In effect Feb. 1, 1917.

[Acts of 1916, ch. 465, sec. 1, amending Labor Law, sec. 71. Section 2 of the same act amends Labor Law, sec. 163, to read exactly like section 71 as amended. Portions in brackets were in the original law but are omitted in the amendment; portions in italics were not in the original law but are added in the amendment.]

*Employment certificate, how issued.*—Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides[,] or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent [or], guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed, namely: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

(a) Birth certificate[:]; *passport or baptismal certificate.* A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births[, which certificate shall be conclusive evidence of the age of such child.]; *or a passport; or a duly attested transcript of a certificate of baptism showing the date of birth of such child.*

[(b) Certificate of graduation. A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the State of New York or elsewhere, having a course of not less than eight years, or of a school in the State of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by article twenty of the education law, provided that the record of such school shows such child to be at least fourteen years of age.

(c) Passport or baptismal certificate. A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.]

[(d)] (b) Other documentary evidence. In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested[,] and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such [affidavits or] papers as may have been produced before him constituting such evidence [of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section]. *The commissioner of health, or when officially authorized, the issuing officer of the board or department of health may then accept such evidence as sufficient as to the age of such child, and a record of such evidence shall be fully entered on the minutes of the board at the next meeting thereof.*

[(e)] (c) Physicians' certificates. In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than [ninety] *sixty* days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts

appear within such period or by such examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor.

Such employment certificate shall not be issued until such child further has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and [legibly] write *correctly* simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. In every case, before an employment certificate is issued, such physical fitness shall be determined by a medical officer of the department or board of health, who shall make a thorough physical examination of the child and record the result thereof on a blank to be furnished for the purpose by the [State commissioner of labor] *industrial commission* and shall set forth thereon such facts concerning the physical condition and history of the child as the [commissioner of labor] *industrial commission* may require.

*In case the evidence of age, filed as in this section provided, shows such child to be fourteen years old but fails to show such child to be fifteen years old, no employment certificate shall be issued unless such child, in addition to complying with all the requirements of this section and producing the school record described in section seventy-three, shall also present a certificate of graduation properly issued in the name of such child, from a public elementary school, or school equivalent thereto or parochial school, or a preacademic certificate issued by the regents, or a certificate of the completion of an elementary course issued by the education department.*

# FORMS USED IN THE ADMINISTRATION OF EMPLOYMENT-CERTIFICATE LAWS.

[The words in italics are as entered by hand on the blank forms, but all names and addresses, except those of some of the officials, are fictitious. Lines inclosed in brackets [ ] are interpolated and do not appear in the forms as used.]

[Form 1. See p. 13.]

UNIVERSITY OF THE STATE OF NEW YORK,  
THE STATE DEPARTMENT OF EDUCATION.

## SCHOOL RECORD.

To the Board of Health City of *Little Falls*:

<sup>town</sup>  
GENTLEMEN: I hereby certify that *Rosa Spence* was a pupil in *Lincoln* school in the city of *Little Falls*, State of *New York*; that her attendance at the said school was not less than 130 days during the 12 months next preceding her 14th birthday or the 12 months next preceding her application for a school-record certificate; that she is able to read and write simple sentences in the English language and received during such period instruction in English in reading, writing, spelling, English language and geography and is familiar with the fundamental operations of arithmetic up to and including fractions and has completed the work prescribed for the first six years of the public elementary school, or school equivalent thereto, or parochial school; that according to the records of the above-named school said pupil was born on the 10th day of *Sept.*, 1900 resides at *110 W. Main St.* in the city of *Little Falls* and the name of her parent, guardian, or custodian is *John Spence*.

[Signed] *JOHN DE LONG*,  
Superintendent, principal or chief executive officer of school.

(Dated) *Oct 12, 1914*.

This certificate when issued should be given to the child entitled to it, who should present it to the local board of health if an employment certificate is desired; otherwise it is to be retained by the child.

An exact record of all certificates issued shall be kept on file. Such record in part should contain the name, age and residence of each child to whom a certificate was granted, with the number of days' attendance credited to each within the period prescribed in the statute; also the date on which the certificate was issued.

### Section 1275 of the penal law:

Any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles 6 and 11 of the labor law to appear in any affidavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than \$20 nor more than \$50; for a second offense by a fine of not less than \$50 nor more than \$250, or by imprisonment for not more than 30 days, or by both such fine and imprisonment; for a third offense by a fine of not less than \$250, or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

*JOHN HUSTON FINLEY*,  
President of the University.

Approved by State Department of Labor.

[Form 2a. See p. 31.]

This certificate is effective throughout the State and until the owner is 16 years of age unless sooner revoked.

No. *846*.

## EMPLOYMENT CERTIFICATE.

Issued pursuant to sections 71 and 163 of the labor law of the State of New York, chapter 36, laws of 1909, as amended.

The Department of Health of *Syracuse, N. Y.*, upon application duly made pursuant to law, grants this certificate to *John Baker* and it is hereby certified that this child, who is described below, personally (Name of child.)

appeared before the undersigned official and was by him examined and found qualified for employment under the labor law; it is further certified that documentary evidence of the age and education of said child, as required by law, has been duly examined, approved, and made a part of the records of the above department, and that by careful examination the physical fitness of the said child has been determined by the medical examiner of the above department and that such physical examination has been recorded as required by law.

### DESCRIPTION OF CHILD.

Place of birth *Utica, N. Y.*  
Color of hair *Brown*.  
Height *4 feet 6 inches*.  
Distinguishing facial marks *none*.

Date of birth *June 21, 1900*.  
Color of eyes *Blue*.  
Weight *100*.

*JOHN BAKER*,  
Signature of child named in the above certificate.

THE BOARD OF HEALTH.  
By *F. W. SEARS*,  
Signature of official issuing certificate.

Date *July 2, 1915*.

N. B.—This certificate must be filed with the employer, and must be kept on file in the office at the place of employment during the period of such employment. It shall be surrendered to the child, its parent, guardian, or custodian upon the termination of the child's employment.

(OVER)



## [Form 2b. See p. 31.]

This certificate is effective throughout the State and until the owner is 16 years of age unless sooner revoked.

No. 7548.

## EMPLOYMENT CERTIFICATE.

Issued pursuant to sections 71 and 163 of the labor law of the State of New York, chapter 36, Laws of 1909, as amended.

The Department of Health of City of New York, upon application duly made pursuant to law, grants this certificate to *Laurence Flynn* and it is hereby certified that this child, who is described below, personally appeared before the undersigned official and was by him examined and found qualified for employment under the labor law; it is further certified that documentary evidence of the age and education of said child, as required by law, has been duly examined, approved, and made a part of the records of the above department, and that by careful examination the physical fitness of the said child has been determined by the medical examiner of the above department and that such physical examination has been recorded as required by law.

## DESCRIPTION OF CHILD.

Place of birth *Rochester, N. Y.*Date of birth *Aug. 7, 1899.*Color of hair *Brown.*Color of eyes *Blue.*Height *5 feet 5½ inches.*Weight *103 lbs.*

Distinguishing physical marks ———.

sex *Male.*

THE BOARD OF HEALTH.

LAURENCE FLYNN

Signature of child named in the above certificate.

Address *173 W. 21st. St.*By *JOHN J. O'BRIEN,*

Signature of official issuing certificate.

Date *March 12, 1914.*

N. B.—This certificate must be filed with the employer, and must be kept on file in the office at the place of employment during the period of such employment. It shall be surrendered to the child, its parent, guardian, or custodian upon the termination of the child's employment.

(OVER)

## [Forms 2a and 2b (reverse). See p. 31.]

## IMPORTANT.

## NOTICE TO EMPLOYERS.

FACTORIES: In factories the child presenting this certificate shall not be permitted to work before 8 o'clock in the morning or after 5 o'clock in the afternoon, or for more than 8 hours in any one day or more than six days in any one week. (Section 77, Labor Law.)

Special attention is called to OCCUPATIONS at which children can not be employed, enumerated in section 93, Labor Law.

MERCANTILE ESTABLISHMENTS: In mercantile establishments the child presenting this certificate shall not be permitted to work before 8 o'clock in the morning or after 6 o'clock in the evening, or for more than 8 hours in any one day or more than six days in any one week. (Section 161, Labor Law.)

## [Form 3. See p. 80.]

*Thomas Blake.*

Signature of child.

*14 Pitt St.*

Home address.

*London, Eng., Nov. 10, 1899*

Place and date of birth.

*John & Mary Blake.*

Father's and mother's name.

*Packing.*

Work actually engaged in.

*July 9, 1914.**\$5.**8½*

When employed.

Wages.

Daily hours.

*8**5**½*

Commence.

Stop work.

Noon day recess

*Robt. Walton, foreman.*

By whom employed.

*National Cigar Co.*

Business title of firm or company.

*17 Monroe St.*

Address.

*J. K. Smith, supt. of factory.*

Person in authority seen by deputy.

*Nov. 3, 1914.*

Date of inspection.

*3 p. m.*

Time of day.

*J. C. Howard.*

Factory inspector.

[Form 4. See p. 80.]

STATE OF NEW YORK,  
[SEAL] DEPARTMENT OF LABOR,  
BUREAU OF FACTORY INSPECTION.

Albany, April 13, 1914.

In accordance with the provisions of section 76 of chapter 36, Laws of 1909, as amended, you are hereby directed to furnish to this department, within ten days, proper evidence that the child named herein and who is now employed, permitted or suffered to work in your manufacturing establishment, is in fact over sixteen years of age: (For the kind of evidence that will be considered, see the back of this sheet.)

Name and address of child (as furnished to inspector at time of inspection).

*Mary J. Dixon, 43 Williams Street.*

Failing to furnish the evidence herein called for you must immediately cease to employ or permit or suffer such child to work in your factory.

(OVER)

*M. LEWIS,*  
Chief Factory Inspector.

[Form 4 (reverse). See p. 80.]

Evidence herein called for shall consist of:

(a) Birth certificate: A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be conclusive evidence of the age of such child.

(b) Certificate of graduation: A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the State of New York or elsewhere, having a course of not less than eight years, or of a school in the State of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by the compulsory education law, provided that the record of such school shows such child to be over sixteen years of age.

(c) Passport or baptismal certificate: A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) Other evidence: In cases where it is impossible to produce any one of the above-mentioned documents, there shall be sent to the commissioner of labor a duly acknowledged affidavit from the parent or guardian of said child; the affidavit shall state the name, residence, date, and place of birth of said child, and that none of the documentary evidence mentioned above can be produced. There shall also be submitted in connection therewith a further affidavit or affidavits, from at least two physicians, stating that after due examination they are of the opinion that said child is upwards of the age of sixteen years.

[Form 5. See p. 81.]

Insp. No. 436  
Special.....  
Date 4/17/16.

Building file No. 348765.

Formerly.....

Give old business title or address if changed in 12 months.

Name John Doe Co.

If unincorporated and operating under an assumed business title, also add name of proprietor.

F. I. {Reg. insp. No. 436 L. B.—S. B. No. 28.

{Special.....Dist. No. 2-49.

Purpose of visit.

No. 265 Elm St. City or village N. Y. County N. Y. Boro. Man.

Front or rear.

Incorporated—President's name J. B. Jones Address 295 Monroe Ave., N. Y. C.

Owner, agent, or lessee of building George Blake Address 32 Wall St., N. Y. C.

No. of buildings 1 Stories 13

In entire plant. Building covered by this report. (Of bldg. insp.)

9th. Floors occupied. T. H. Sep. shop. Registered. Ten.—Factory.

Women's coats &amp; suits.

Chief product manufactured or work done. Specific product of bldg. insp.

Wool.

Principal raw material used. Work done outside factory.

9/14/15

James Green.

Peter Spruce.

Mgr.

Date of last inspection.

By whom.

Person in authority seen.

His position.

## Employees.

## Hours.

Sex and age.	In office, messengers, etc.	In workshops.	Total.	On full days.	On short day.	Total per week.
M 18+....		37	37	9	5	50
M 16-18....						
M 14-16....						
F 21+....		3	3	10	9	54
F 16-21....		8	10	10	9	54
F 14-16....		1	1	8	5	45
Total.....	2	49	51	X	X	X
C. under 14.....				X	X	X
Largest no. in yr.	2	49	51	X	X	X

## SUMMARY REPORT AND CERTIFICATE OF INSPECTOR.

This is to certify that on careful inspection of the factory workrooms, conditions were found to be in substantial compliance with the law and Industrial Code rules, relative to subjects enumerated below, except where indicated in the negative, supplemented by orders on back of card.

Employment and hours of labor of children—Male minors—Women Yes. §8-A Yes.

Health—Comfort—Ventilation—Sanitary conditions and conveniences No.

Guarding switchboards—Elevators—Machinery—Inspection of boilers No.

Work rooms: Lighting—Maintenance—Occupancy—Exits—Fire prevention Yes.

Rules: Special to foundries.....Special to milling industry

Posting: Laws—Rules—Schedules—Notices—Certificates—Permits No Meal time Yes Wages Yes.

Ten.—Factory—No. hor. exits 0 No. exit stairs 2 (§94)

No. fire escapes 0 — No. elevators 2. (Rule 380.)

Proprietors at work 0 Work in 1 shifts

Work nights? No. at work 37 On Sunday? 0 No. at work —

4/17/16 ROSE RICHARDS,  
Date of inspection. Factory inspector.

[Form 5 (reverse). See p. 81.]

## Orders:

Post laws and hours of labor. Complied.

Prohibit the use of towels in common.

Provide a dressing room for the use of females, such room to have at least one window opening to the outer air and to be inclosed by means of solid partitions or walls and to contain at least sixty (60) square feet for the first ten (10) persons and an additional two (2) square feet for each person in excess of ten (10).

Provide at least two couches or beds in your factory for the use of females.

Whitewash walls of water-closet compartments used by males.

Orders on building card to owner.

Examined by G. G. H. 4/27/16. Notice sent 4/29/16.

Date.

Occ.—L. D.—C. L.—S. R.—I. H.—C. Card filed.

Name John Doe Co.  
Address 265 Elm St., N. Y. C.



[Form 6. See p. 81.]

Name <i>American Candy Co.</i> Or business title of firm or corporation.	Address <i>New York City.</i> City or village.	County.	Insp. No. ....	Supv. Dist. ....
			C. L. S. I. .... Purpose of visit (if special).	
Name and address <i>John Bruce.</i> Of person directly responsible for hiring children.	<i>Superintendent.</i> Relation to business.	<i>Dec. 6, 1914.</i> Date of inspection.		

Children under 14 years or without certificates.

Name and address. <i>Bessie Jennings.</i>	Place of birth. <i>Jersey City, N. J.</i>	Date of birth. <i>Nov. 4, 1901.</i>	Work engaged in. <i>Packing.</i>
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Statement of inspector. *Child stated she told employer she was over 16; child is small.*

A. J. GREEN, Inspector.

Children alleged to be over 16 but apparently under 16, employed without certificate.

Name and address. <i>James Lanson.</i>	Place of birth. <i>N. Y. City.</i>	Alleged date of birth. <i>Mar. 4, 1899.</i>	Work engaged in. <i>Cleaning.</i>
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A. J. GREEN, Inspector.

Date notice mailed.	Person mailing.	Time.	Place mailed.	Evidence received.	Examined by.
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[Form 6 (reverse). See p. 81.]

[Both sides of this form are never used at the same time.]

Name <i>Jones &amp; Smith.</i> Or business title of firm or corporation.	Address <i>145 Main St., N. Y.</i> City or village.	N. Y. County	Insp. No. 127.	Supv. Dist. 1-37.
			I. H. S. I. A. 566. Purpose of visit (if special).	
Name and address <i>John Jones.</i> Of person directly responsible for fixing hours of labor of child.	<i>Partner.</i> Relation to business.			
Date of inspection <i>1/13/16.</i>		<i>5.30 p. m.</i> Hour and minute.		
Employed <i>over 8 hours daily—before 8 a. m.—</i>	<i>after 5 p. m.</i>	<input checked="" type="checkbox"/> Certificate filed.	Prohib. employment.	
Name and address <i>Mary Brown, 68 Howe St., N. Y. C.</i>	<i>9</i>	<i>8 a. m.</i>	<i>6 p. m.</i>	
Of child found at work.	Daily hours.	Commence work.	Stop work.	
<i>60 m.</i> Noonday recess.				
<i>I found Mary Brown, who will be 16 yrs. old Sept. 13, '16, employed at 5.30 p. m. cleaning chocolate pans.</i>				
Subsequent visit (within 48 hours, if violation was not clearly established at time of inspection).				
Date	Of reinvestigation.	Hour and minute.	Violation continued.	Evidence secured.
Person in authority seen.	Date referred to counsel.			
Remarks				

A. J. GREEN,  
Inspector.Statement of counsel: *Prosecution begun.*

Report on children employed illegal hours.

Adolph Rutgers. *2/3/16.*  
Counsel. Date.

[New York City Form 1. See p. 23.]

Name *Belisario Mantilli.*  
Address *229 E. 14th St.*  
New York *Dec. 12, 1913.*  
Application for an employment certificate.

DEPARTMENT OF HEALTH  
BUREAU OF CHILD HYGIENE

Passport.

[On margin:]  
M 43827.

7a.

## [New York City Form 2. See p. 23.]

DEPARTMENT OF HEALTH,  
OF THE CITY OF NEW YORK,  
DIVISION OF CHILD HYGIENE.

STATE OF NEW YORK, }  
CITY OF NEW YORK, } ss:  
COUNTY OF Queens }

*Marie Klein*, being duly sworn, deposes and says that she resides at No. 47 *Stockholm* Street, New York City, and is the parent of *Mary Klein*, that she is unable to accompany said child to the office of the Department of Health, and hereby authorizes *Anna Klein* to act as custodian of said child in obtaining her employment certificate.

MARIE KLEIN.

(Witnesses, if signature is by mark "X.")

.....  
Name of Witness.

.....  
Address of Witness.

.....  
Name of Witness.

.....  
Address of Witness.

Subscribed and sworn to, before me, }  
this 3rd day of April 1914 }  
[Seal.]

AUGUST SELLARS,  
Notary Public,  
#3438 N. Y. County.

(If this affidavit is made by mark "X," there must be two witnesses to the mark "X," and each witness must sign his or her name and state his or her address directly beneath his or her name.)

## [New York City Form 3. See p. 23.]

## STATEMENT OF PERSON SIGNING APPLICATION FOR EMPLOYMENT CERTIFICATE.

I *Sarah Small* residing at *1245 George St., Manhattan* having been duly sworn, depose and say that in the case of *Harry James* applying for an employment certificate this day, <sup>his</sup> ~~her~~ mother is dead and <sup>his</sup> ~~her~~ father is in *Idaho* and that he is residing with me for the year.

I furthermore depose and say that under these circumstances, I am acting in the capacity as guardian of said *Harry James*.

Subscribed and sworn to, before me, this 12th day of March, 1915.

J. V. MANN.

## [New York City Form 4. See p. 24.]

DEPARTMENT OF HEALTH,  
OF THE CITY OF NEW YORK,  
BUREAU OF RECORDS.

Borough of *Manhattan*.  
No. of certificate *17469*.

This is to certify that

*John P. Wallace*

was born on Jan. 18, 1899, according to the records of this department.

SHIRLEY W. WYNNE, M. D.,  
Assistant Registrar.

Mar. 26, 1914.

## [New York City Form 5. See p. 24.]

DEPARTMENT OF HEALTH,  
THE CITY OF NEW YORK,  
BUREAU OF RECORDS.

Borough of *Manhattan*.

This is to certify that a search has been made of the records of birth of this borough and the name of *George A. Halley*, said to have been born Feb. 19, 1900, has not been found.

SHIRLEY W. WYNNE, M. D.,  
Assistant Registrar.

April 4, 1914.

[New York City Form 6. See p. 24.]

## SCHOOL RECORD.

To the Board of Health of the Department of Health of the City of New York.

Gentlemen:

THIS IS TO CERTIFY THAT *George Kelley* of No. 4 *Madison St.*, has attended school No. *St. Agnes School* situated at No. 153 *E. 13 Street* in the Borough of *Man.*, City of New York, 140 days during the twelve months next preceding its fourteenth birthday (or next preceding its application for this school record); and that said child is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography, is familiar with the fundamental operations of arithmetic up to an including fractions, and has completed the work prescribed for the first six years of the public elementary schools, or school equivalent thereto, or parochial schools.

The school record gives the date of birth of said child as *Sept. 30, 1899*; name of parent (guardian or custodian) *John Kelley*.

Dated, *Mar. 4, 1914*.

SISTER MARY ANTOINETTE.

Signature of principal or chief executive officer of the school.

(The law requires the school record to be signed by the principal or chief executive officer of the school and it must be furnished to any child who after due examination and investigation may be entitled thereto. The school record must contain, among other things, a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or parochial schools, for not less than 130 days during the twelve months next preceding its fourteenth birthday, or during the twelve months next preceding its application for this school record.)

Section 384-L of the Penal Code makes it a misdemeanor for any person to make a false statement in or in relation to any application for an employment certificate.)

THIS IS NOT A PERMIT TO WORK.

[New York City Form 7. See p. 24.]

DEPARTMENT OF EDUCATION,  
THE CITY OF NEW YORK.  
Borough of *Man.*,  
Date *May 19, 1914*.

To the Board of Health, the City of New York.

I HEREBY CERTIFY THAT *Charles Willey*, residing at 77 *Madison St.*, in the City of New York has attended—

P. S. No. 5 Dist. 7 Borough 160 days.....

Principal.

.....Dist.....Borough.....days.....

Principal.

.....Dist.....Borough.....days.....

Principal.

.....Dist.....Borough.....days.....

Principal.

An aggregate of 160 days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding the date of this certificate; that said child is able to read and write simple sentences in the English language and has received instruction during such period in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions, and has completed the work prescribed for the first six years of the public elementary school or school equivalent thereto, or parochial school; and is in the 7A grade and furthermore, that said child, according to the records of above-named school, was born on *Jan. 10, 1899*, and that its parent, guardian, or custodian is *Henry Willey*.

MARY BRUCE,  
Principal.

Results of academic examination conducted by district superintendent.

On *May 4, 1914*.

Arithmetic, B.  
English, C.

Writing from dictation, C.  
Oral reading, B.

(Written composition.)

(Signed) MARY BRUCE.

Principal, P. S. No. 5.

Penal Law—Art. 120—Sec. 1275—Subd. 8.

"Any person who makes a false statement in or in any relation to any application made for an employment certificate as to any matter required by Articles 6 and 11 of the Labor Law to appear in any affidavit, record, transcript, or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than fifty dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment."

NOTE.—This is a certificate of school attendance only. A permit to work must be obtained from the board of health.

A school certificate must not be issued to any child under fourteen years of age, or in any grade lower than 7A (seventh year, first half.)



## [New York City Form 8. See p. 25.]

DEPARTMENT OF HEALTH, THE CITY OF NEW YORK,  
BOROUGH OF MANHATTAN, 149 CENTRE STREET.

## APPLICATION AND AFFIDAVIT FOR EMPLOYMENT CERTIFICATE.

STATE OF NEW YORK, CITY OF NEW YORK, COUNTY OF N. Y. ss.:

*Abraham Goldstein* being duly sworn, deposes and says: That he is the applicant above named, and resides at No. 123 E. 20th St., in the City of New York, Borough of Man.; that deponent is the parent, guardian, custodian of *Isidore Goldstein* and hereby makes application for an employment certificate

Name of child.  
to be issued in the name of said child; that the said child was born at *Russia* in ..... on the 10th day of *Aug.* in the year 1899 and is 15 years of age.

Deponent further says that he is informed by the officer to whom this application is made for an employment certificate, that the evidence of age of said child must be presented in the following order, namely, (a) birth certificate; (b) certificate of graduation; (c) passport or baptismal certificate; (d) other documentary evidence; (e) physicians' certificates.

And deponent further says that the paper now produced for filing in the Department of Health of the City of New York, is the transcript of birth record of the said child; and that the child who is named in the said paper as *Isidore Goldstein* is the child now appearing with me, whose true name is ....., and for whom deponent makes the application aforesaid, and no evidence of age specified in any of the preceding subdivisions of the law, as above set forth, can be produced.

Sworn to before me this 22 day of *Sept.*, 1914.

ABRAHAM GOLDSTEIN.

Signature of parent, guardian, custodian.

ISIDORE GOLDSTEIN,  
Signature of child.

JOHN J. O'BRIEN.

Signature of officer issuing the certificate.

## STATEMENT OF A MEDICAL OFFICER OF THE DEPARTMENT OF HEALTH.

I hereby certify that *Isidore Goldstein*, the above-named child, has ..... in my opinion, reached the normal development of a child of its age, and is ..... in sound health and is ..... physically able to perform the work which it intends to do.

WM. T. GARDNER, M.D.

Signature of a medical officer of the board of health.

## STATEMENT OF OFFICER ISSUING THE CERTIFICATE.

I hereby certify—

1. That the following papers relating to the above-named child have been filed in this office:

(a) Its school record, filled out and signed, as required by law.

(b) Transcript of birth record (its transcript of birth record, certificate of graduation, passport or baptismal certificate, other documentary evidence or physicians' certificate).

(c) Affidavit and application of the parent, guardian, or custodian of the child, showing the place and date of its birth.

2. That said child has appeared before me and has been examined and that said child is able to read and legibly write simple sentences in the English language, and is, in my opinion, 14 years of age or upwards.

3. That said child has ..... in my opinion, reached the normal development of a child of its age, and is ..... in sound health and is ..... physically able to perform the work which it intends to do, as appears by the statement of the examining physician.

JOHN J. O'BRIEN,

Signature of officer issuing the certificate.

## [New York City Form 8 (reverse). See p. 25.]

Application No. 7043.

Name of child, *Isidore Goldstein*.

Address, *123 E. 20th St.*

Date of birth, *Aug. 10, 1899*.

Place of birth, *Russia*.

Color of hair, *Black*.

Color of eyes, *Black*.

Height, 5 ft. 5-3/4 in.

Weight, 102 lbs.

Color, *White*.

Mother tongue, *Hebrew*.

Birthplace of father, *Russia*.

Distinguishing characteristics:

.....  
.....

## [New York City Form 9. See p. 25.]

Name, *James Collins*. Address, *75 Monroe St.*Held for *Defective vision*.Date held, *May 10, 1915*.Treated for *Astigmatism*.Date treated, *May 20, 1915*.Treated by *Dr. Philip Snow*.Final disposition, *Certificate granted*.

Remarks: .....

WM. T. GARDNER.  
Medical Inspector.

CASES TEMPORARILY WITHHELD.

Bureau of child hygiene.

Division of employment certificates.

## [New York City, Form 10. See p. 26.]

DEPARTMENT OF HEALTH, THE CITY OF NEW YORK,  
SANITARY BUREAU, DIVISION OF CHILD HYGIENE.  
BOROUGH OF *Manhattan*,  
NEW YORK, *Mar. 27, 1914*.Mrs. *Levy*.SIR: You are informed that your application made for an employment certificate for *Sol Levy* can not be granted on account of *physical incapacity*.

Respectfully,

S. JOSEPHINE BAKER, M. D.,  
Director of the Bureau of Child Hygiene.

## [New York City, Form 11. See p. 26.]

Name, *De Pina Luige*.Residence, *48 Driggs Ave.*Refusal No.  
1287.Date of refusal, *2/27/14*.

REFUSED.

CAUSE OF REFUSAL.

*Malnutrition.*

## [New York City Form 12. See p. 27.]

DEPARTMENT OF HEALTH, THE CITY OF NEW YORK,  
SIXTH AVENUE AND 55TH STREET,  
SANITARY BUREAU, DIVISION OF CHILD HYGIENE,  
NEW YORK, *Mar. 26, 1914*.

To the Board of Health:

Gentlemen:

In the following case it appears to my satisfaction that

*August Mathews,*residing at *463 Columbus Ave.*, in the Borough of *Manhattan*, City of New York, the child for whom an employment certificate is requested, and who has presented a school record, is in fact over fourteen years of age; that satisfactory documentary evidence of age can be produced which does not fall within any of the provisions of the subdivisions preceding subdivision (d), of sections 71 and 163 of chapter 291 of the laws of 1907, and that none of the papers mentioned in said preceding subdivisions can be produced, and I therefore present to the board of health, for its action, this statement signed by me showing such facts, and I also submit the following affidavits and papers which have been produced before me constituting evidence of age of such child, viz:*Census record.*

Respectfully submitted.

MARY TAYLOR,  
Medical Examiner,  
Clerk.

(The board may, by resolution, provide that such evidence shall be entered on the minutes of the board, and shall be received as sufficient evidence of the age of such child for the purposes of this section.)

[New York City Form 12 (reverse). See p. 27.]

DEPARTMENT OF HEALTH,  
SANTARY BUREAU,  
DIVISION OF CHILD HYGIENE,  
THE CITY OF NEW YORK.

NEW YORK, Mar. 26, 1914.

MARY TAYLOR,  
Medical Examiner,  
Clerk.

Evidence of age of  
August Mathews.

Respectfully forwarded.

August Mathews

of 463 Columbus Ave., an applicant for certificate of employment is unable to furnish a birth certificate, a certificate of graduation, passport, or a baptismal certificate, as evidence of age, and does present other documentary evidence that he is fourteen years of age or upwards, viz:

*He presents a certificate from Per. Cen. Bd. in which it is stated that according to their records dated 5/27/10 he was born on Sept. 15, 1898 (was then 14 years, 10 months, 12 days).*

He is shown by his school record to be 15 years and 6 months old, and as he is unable to further produce the evidence of age otherwise required, and presents the above documentary evidence, I would respectfully recommend that a certificate of employment be granted to August Mathews.

Borough Chief, Division of Child Hygiene.  
Borough of Manhattan.

NEW YORK, ....., 19

Approved and respectfully forwarded to the sanitary superintendent.

Chief, Division of Child Hygiene.

SANTARY BUREAU.

NEW YORK, ....., 19

Approved and respectfully forwarded to the board.

Sanitary Superintendent.

SANTARY BUREAU.

NEW YORK, ....., 19

Respectfully referred to the chief, division of child hygiene, with instructions to issue a certificate of employment to the within applicant.  
By order of the sanitary superintendent.

..... Clerk.

DEPARTMENT OF HEALTH,  
SANTARY BUREAU,  
DIVISION OF CHILD HYGIENE.

NEW YORK, ....., 19

Referred to mercantile office, with instructions to have a certificate of employment issued to applicant.  
By order of the chief of division.

..... Clerk.



[New York City Form 13. See p. 27.]

DEPARTMENT OF HEALTH, THE CITY OF NEW YORK,  
Borough of *Manhattan*.

APPLICATION FOR EMPLOYMENT CERTIFICATE AND FOR PHYSICIANS' CERTIFICATE OF AGE.

NEW YORK, *Sept. 25, 1913.*

To the Board of Health, City of New York:

GENTLEMEN:

I, the undersigned, hereby make application for an employment certificate under the provisions of the labor law of the State of New York, to be issued to and in the name of

*Ida Goldmark,*the child of which I am the *mother*, and who resides at *653 Fifth Street*, in the City of New York, Borough of *Manhattan*; and I hereby further make application for physicians' certificates.*IDA GOLDMARK,*

Signature of child.

*Her*  
*X* *CELIA GOLDMARK.*  
*mark.* Signature of parent.

AFFIDAVIT.

STATE OF NEW YORK,

CITY OF NEW YORK, COUNTY OF *N. Y.* ss.:*Celia Goldmark*, being duly sworn, deposes and says:That she is the applicant above named and resides at No. *653 Fifth Street*, in the City of New York, Borough of *Manhattan*.Deponent is the parent *mother* of the child above named.

That deponent asks for the issuance of physicians' certificates on which, together with a school record, an employment certificate may be issued in accordance with the labor law of the State of New York.

*Her*  
*X* *CELIA GOLDMARK.*  
*mark.*Sworn to before me this *25* day of *September* 1913.*MARY TAYLOR.*  
Signature of officer issuing certificate.

I hereby certify that the child above named was produced before me and is apparently at least fourteen years of age, and I hereby receive the foregoing application for physicians' certificates and file the same this date.

Dated New York, *Sept. 25, 1913.**MARY TAYLOR.*

Not less than ninety days having elapsed since the date of the filing of this application for physicians' certificates, and no facts appearing within such period nor after an examination of the statements contained in said application tending to discredit or contradict any material statement of such application, I hereby direct the child named in said application to appear for physical examination before two physicians designated by the board of health.

Dated New York, *Mar. 26, 1914.**JOHN J. O'BRIEN.*We, *Wm. T. Gardner, M. D., and J. L. Blumenthal, M. D.*, physicians officially designated by the board of health, hereby certify that ..... the child named in the within application, appeared this day before us for physical examination; and we hereby severally further certify that we have separately examined such child, and that in our opinion, the said child is at least fourteen years of age.*WM. T. GARDNER, M. D.*  
*J. L. BLUMENTHAL, M. D.*

(In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinion shall be conclusive for the purpose of the law as to the age of the child.)

Deponent further says that the said child is *15+* years of age; that she was born at *Russia* on the *14* day of *August, 1898*, and that the present residence of said child is *653 Fifth St.*, in the Borough of *Manhattan*, City of New York.

This deponent, your petitioner for physicians' certificates, also alleges that she is unable to produce any of the evidence of age of said child above mentioned, specified in sections 71 and 163 of the labor law of the State of New York, namely:

- (a) Birth certificate;
- (b) Certificate of graduation;
- (c) Passport or baptismal certificate;
- (d) Other documentary evidence.

That the following facts are presented for the consideration of the officer to whom application is made for the issuance of an employment certificate, to assist in determining the age of said child, namely:

*Goldmark.*Application No. *2369.*

PHYSICIANS' CERTIFICATE.

*Sept. 25, 1913.*  
*Dec. 26, 1913.*  
*Notified 3/24/1914.*

## [New York City Form 14. See p. 32]

DEPARTMENT OF HEALTH, THE CITY OF NEW YORK,  
DIVISION OF CHILD HYGIENE,  
NEW YORK, March 15, 1914.

I, *Harry K. Fellows*, an applicant for duplicate employment certificate, hereby state: That employment certificate No. 7023 issued by the Department of Health of the City of New York on the *ten*th day of *March*, 1914, has been lost in the following manner: *Fell out of a book on my way home*, and, after making a diligent search I have been unable to find same.

I therefore request that a duplicate certificate be issued.

(Signature) *HARRY K. FELLOWS*,  
(Address) *143 West 20th St.*

## [New York City Form 15. See p. 33.]

DEPARTMENT OF HEALTH, CITY OF NEW YORK,  
BUREAU OF CHILD HYGIENE,

EUGENE W. SCHEFFER, Secretary.

Date *Dec. 7, 1915.*

This is to certify that the department of health has investigated the proof of age of

*John Smith*,  
who resides at *425 Spruce St.*,

and whose signature is hereto affixed, and is satisfied that the said minor is over sixteen years of age, and therefore entitled to work without an employment certificate.

This application for an employment certificate is hereby refused, as the applicant is over age.

The department of health will not issue duplicates of this paper.

*MARY L. MORRISON*,  
Chief, Division of Employment Certificates.

*JOHN SMITH*,  
(Signature of child.)

*S. J. BAKER*,  
Director, Bureau of Child Hygiene.

## [New York City Form 16. See p. 36.]

DEPARTMENT OF HEALTH,  
THE CITY OF NEW YORK.

I, the undersigned, hereby certify that the information noted below is a correct *copy* of the facts contained in a certain *birth certificate* presented as documentary evidence of age of the child whose name (birth certificate passport) appears thereon.

Name of child, *Rose Pokrvisky*.  
Date of birth or age given, *Nov. 14, 1899*.  
Name of father, *Levi Pokrvisky*.  
Name of mother, *Sarah Pokrvisky*.  
Birthplace, *Austria*.

(Signed) *JOHN O'BRIEN*,  
(Officer issuing paper.)

Copy or translation made by *J. V. Madison*.  
Original returned to *ROSE POKRVISKY*.  
(Signature of child.)

*JACOB SOBEL*, M. D.,  
Borough Chief.

Date *May 3, 1914*.

## [New York City Form 17. See p. 37.]

DEPARTMENT OF HEALTH, THE CITY OF NEW YORK,  
DIVISION OF CHILD HYGIENE.

I, the undersigned, hereby certify that a certain diploma bearing date *Jan. 29 1914*, was this day presented and exhibited to the department of health of the City of New York to aid in securing an employment certificate under the provisions of the labor law of the State of New York and in lieu of the school record required by said law. That said diploma was issued to and bears the name of *Ida Goddard*; that said diploma was issued by *Dept. of Educ.* (Public School No. 15), situated in the City of New York, Borough of *Man.*, and certifies, among other things, that said child has satisfactorily completed the course for elementary schools.

*JACOB SOBEL*, M. D.,  
Chief of the Division.

New York, *Mar. 25, 1914*.

46446°—17—10

## [New York City Form 18. See p. 38.]

NEW YORK, Mar. 27, 1914.

To the Board of Health.

GENTLEMEN:

I hereby certify that, according to the records of the church or congregation of  
*Church of Our Lady of Loretto,*  
 (Corporate name of church.)

situated at 303 Elizabeth St.

*Messina Blandino* was born at N. Y. C. on September 26, 1899, was baptized at said church  
 (Child's full name.) (Place of birth.) (Date of birth.)

Oct. 29, 1899, and that she was 1 month of age at that date.

(Date of baptism.)

(Signed) *ENRICO C. LUIGI,*  
 Minister.  
*Church of Our Lady of Loretto,*  
 Church.  
*JACOB SOBEL,* M. D.

[Place seal here.]

## [New York City Form 19. See p. 39.]

CITY OF NEW YORK, STATE OF NEW YORK, COUNTY OF NEW YORK, ss:

*Max Mushnitzky*, being duly sworn, deposes and says: That on the 1st day of March, 1913, deponent was the rabbi of the congregation situated at 238 Christopher Ave., Brooklyn, and that on said date *Leon Spielman* was Barmitzvah at the synagogue of the above-mentioned congregation.

Deponent further states that he was present on said date, at which time said *Leon Spielman* began to lay the phylacteries according to Jewish rites. That a record was made in the said congregation of the date when the said boy was Barmitzvah as aforesaid and the date, according to said records, is March 1, 1913, and that no boy can be Barmitzvah until he has reached thirteen years of age.

MAX MUSHNITZKY.

Sworn to before me this 27th day of March, 1914.

DELIA JACOBSON.

[Seal of Commissioner of deeds—Notary public, New York City, applied at foot of paper.]

## [New York City Form 20. See p. 39.]

DEPARTMENT OF EDUCATION, THE CITY OF NEW YORK,  
 BUREAU OF ATTENDANCE, 154-156 EAST 68TH STREET.  
 CENSUS AGE CERTIFICATE.

Nov. 14, 1914.

This is to certify that according to the records of this office dated Mar. 10, 1914, *Bessie Poland*, residing at that time at 11 Mulberry St., Man., was recorded by the census enumerator as follows:  
 Date of birth, Jan. 4, 1900.

JOHN W. DAVIS,  
 Director.

## [New York City Form 21. See p. 55.]

EXAMINATIONS FOR SCHOOL RECORDS.

March 19, 1914.

Dictation:

"Here, Harold," I said, "is some money. Go buy yourself some more marbles, and when you have them, keep them to play with. But don't play for keeps; it is gambling, and the gambler deserves to lose."

Bill:

Mrs. White bought of Blank & Company 14 yards silk at \$2 1/2 per yard, 6 doz. rolls tape at 45¢ a dozen, 6 waists at \$2 1/3 each, 16 bolts ribbon at 12 1/2¢ each. Make out a receipted bill for same.

Arithmetic:

1. A chest containing 62 5/16 pounds was found to hold 12 1/4 pounds spoiled tea. How many pounds of good tea were there left?

2. What is the cost of 25 bushels of wheat at 81 1/2¢ a bushel?

3. A ship sails 7,812 miles in 36 days. How far does it sail in one day?

Reading:

Fourth year. Character Building Reader. "The Boy Who Tried." Page 36.

March 5, 1914.

Dictation:

Long, long ago, a ship full of people was sailing across the ocean to this land. These people were called Pilgrims. Pilgrim means wanderer, and these people were wandering from place to place in search of a home where they could worship God as they thought right.

Bill:

Mr. James Blank bought of Thomas Smith 3 yards of lace at 65¢ a yard, 3 doz. handkerchiefs at \$4.75 a dozen, 44 yards silk at \$1.15 a yard, and a table cloth for \$8. Make out and receipt bill for the same.

Arithmetic:

1. A farmer had 275 sheep and sold 3/5 of them. How many had he left?

2. William is 11 3/4 years old and Thomas is 9 5/12 years old. How much older than Thomas is William?

3. At \$7.50 each how many barrels of flour can be bought for \$637?

Reading:

Heath's Fourth Reader. "The Three Giants." Page 18.

[Six took the examination of March 5th and passed.]

[Continued on opposite page.]



February 6, 1914.

Arithmetic:

1. If I place \$30 in a savings bank at 3 1/2% interest, how much interest will be due me at the end of 6 months?
2. Market prices are as follows: Round steak, 25¢ a pound; ham, 28¢ a pound; mutton, 24¢ a pound; veal chops, 29¢ a pound. Find amount of bill if you should buy 2 pounds of round steak, 1/2 lb. ham, 4 3/4 lb. mutton. Make a bill. Receipt it.
3. A man employed 80 girls in his factory. He had to reduce his force 15%. How many girls did he have to discharge?
4. A man had three pieces of muslin. One contained 6 1/2 yd., another 23 2/3 yd., and another 13 1/8 yd. He sold 17 3/4 yd. How many yards had he left?
5. I bought 65¢ worth of sugar. If sugar is worth 6 1/2¢ a pound, how many pounds should the grocer give me?
6. If a man earns \$13.50 a week, and saves one-fourth of the wages, how much does he save in a year?
7. Mental work.
  - (a) Tell time.
  - (b) Cost of 100 books at 12 1/2¢ each.
  - (c) Cost of 3 handkerchiefs if they are sold at 75¢ a half dozen?
  - (d) I spent \$2.16 and 73¢. How much change from a five-dollar bill?
  - (e) Sheffield milk is 9¢ a quart. The month's bill was \$2.70. How many quarts of milk had been bought?
8. Divide \$16,239.17 by 102.06.
9. Multiply \$13,655 by 38 2/5.
10. Add dictate:

\$107.39  
870.93  
82.16  
1,217.61  
24.03  
69.97  
513.80  
76.44  
500.17

Spelling:

citizens	permits	majority	manager
injure	Broadway	obedience	writing
millinery	punctuality	avored	pleasing
does	fifteenth	Chicago	to-day's paper
recommendation	mayor	superintendent	whose name is
intelligent			

Letter:

Write a business letter making an application for a position.

Dictation:

By teaching all, especially the children of America, to speak our common language; to understand and love liberty; to honor the flag; to respect the Government and to aid in strengthening and perfecting our laws and institutions.

The pride of a nation is in its children and youth. Its hope and security are in their intelligence, morality and patriotism.

Reading:

Baker and Carpenter Sixth Year Language Reader.

[New York City Form 22. See p. 56.]

City of New York.

## PUPIL'S RECORD.

Department of Education.

Emp. Cert. No.

Name, *Hamlin, Mar.* Born, *2-21-00.*

Parent, (Family.) (Given.) (Mo.-Da.-Yr.)

Parent, *Hamlin, Hyman.* Special aptitudes, *7B Geog.*

Attended ..... days from 13th birthday to end of term .....

No.	Street.	Fl.	No.	Street.	Fl.	No.	Street.	Fl.	No.	Street.	Fl.										
784	E. 5.																				
School.	Bor.	Date entered.	Class.	Pres-ent.	Abs.	Late.	Con.	Wk.	Not proficient in—	School.	Bor.	Date entered.	Class.	Pres-ent.	Abs.	Late.	Con.	Wk.	Not proficient in—		
15	M	10-06	1 A							188	M	Mo. da. yr. 6 — 13	6 A	33	10	0	A	B			
		1-07	1 B											11 — 13	6 B	47	4	0	B	B	
		6-07	2 A											1 — 14	7 A <sup>2</sup>	12	2 1/2	0	B	B	
		2-08	2 A																		
		6-08	2 B							188	M										
		2-09	2 B																		
		6-09	3 A	84 1/2	6 1/2	2	A	C													
		1-10	3 A	98	3	0	A	B													
		6-10	3 H	84	8	1	A	B	Read. & sp.												
		1-11	4 A	93 3/2	3 5/2	1	C	C	Ar., read., & sp.												
		6-11	E(4 A) (4 B)	88 2/2	3 2/2	4	B	B	Recad. & sp.												
		1-12	5 A	60 9/2	30 9/2	4	C	C	Eng., ar.												
		6-12	5 A <sup>sp.</sup>	41	6	0	B	B													
		1-12	5 B	47 2/2	6 2/2	0	C	B													
		1-13	6 A	89 1/2	8 1/2	0	B	C	Ar., sp., ge.												

Disch. 2-26-14.

[Across upper portion of card.]

M42031.

[New York City Form 22 (reverse). See p. 56.]

## PHYSICAL RECORD.

Name, *Hamlin, Max*. Born, *2/21/00*. *Italian*. Number in family, adults *3*, children *13*, *9g* *4b*.  
 Nationality of father, *English*. Mother, *Italian*. Number of measles, *No*. Scarlet fever, *No*. Diphtheria, *Yes*. Pertussis, *No*. Pneumonia, *No*. Grippe, *No*.  
 Date of 1st examination, *12/8/09*. In school, *15*.

	1		2		3		4		5		6		7		8		9	
	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2	1	2
1. School year.....																		
2. Term.....																		
3. Class.....																		
4. Revaccinations.....																		
5. Diseases during term.....																		
6. Date of physical examinations.....																		
7. Defective vision.....																		
8. Defective hearing.....																		
9. Defective nasal breathing.....																		
10. Hypertrophied tonsils.....																		
11. Tubercular lymph nodes.....																		
12. Pulmonary disease.....																		
13. Cardiac disease.....																		
14. Chorea.....																		
15. Orthopedic defect.....																		
16. Malnutrition.....																		
17. Defective teeth.....																		
18. Defective palate.....																		
19. Height.....																		
20. Weight.....																		
21. Mentality.....																		
22. Effort.....																		
23. Proficiency.....																		

Teeth. Personal extraction. Mouth hygiene.  
Glasses.



[New York City Form 23. See p. 67.]

Department of Education.

Original.

Bureau of Attendance.

## REPORT OF POLICE OFFICER ON CHILD FOUND ON STREET DURING SCHOOL HOURS.

1. Family name of child.	<i>Kappo,</i>	Given name.	<i>Maurice.</i>	Born month.	<i>1</i>	Day.	<i>27</i>	Year.	<i>'08</i>	Boy.	<i>✓</i>	Girl.	
2. Family name of parent or guardian.	<i>Kappo.</i>	Father's given name.	<i>Sallus.</i>	Mother's.	<i>Mary.</i>								
3. Residence.	<i>242</i>	Number.	<i>Monroe.</i>	Street.	<i>M</i>	Borough.	Front.	<i>✓</i>	Rear.	<i>4</i>	Floor.	<i>✓</i>	Apt. No.
4. Where found.	<i>Wall and Chilton Sts.</i>												
5. Hour.	<i>9.35 a. m.</i>												
6. Return,	<i>114 M</i>	<i>4-24-16</i>											
7. Returned to public school.			Mo.	Da.	Yr.								
8.			Disposition.										
9.	<i>2 B2 4-26-16-1.30</i>		<i>McDuffy.</i>										
10.	<i>Truant. Likes to move around business district.</i>												
11.	<i>Returned by mother to school 4/26/16. McDuffy.</i>												
12.	<i>Family unbroken.</i>												

Block number.	
Consecutive office number.	<i>76549</i>
District ass'gnm't number.	
Date received.	
Date referred.	
Date received.	
Date referred.	
Date reported.	

[New York City Form 24. See p. 71.]  
BY RESIDENCE—AMENDING LIST—BY FAMILIES.

Bureau of Attendance.

Department of Education.

Date moved.	Block No.	House No.	Street.	Floor.	Date moved.	Block No.	House No.	Street.	Floor.
	765321	354	Upton Ave.	1					
<p><i>Rapio,</i> <i>Tony,</i> Father—Last name of First name of <i>Louise,</i> Mother—Last name of First name of</p>									
<p>1. Child—Given name. <i>Josephus,</i> B. <i>✓</i> Child—Given name. <i>5. Pasquo,</i> B. <i>✓</i> 1. Child—Given name. <i>Italy,</i> G. <i>✓</i> Child—Given name. <i>N. G.</i> 2. Birthplace. <i>1904</i> Date ar. Phys. Birthplace. <i>N. Y. C.</i> Date ar. Phys. 6   12   00 U. S. cond. 11   23   03 U. S. cond. 3   14   09 U. S. cond. 3. Born Mo. Da. Yr. Evidence. 6 Born Mo. Da. Yr. Evidence. 6 6 Grad. Y. <i>✓</i> N. Lit. Y. <i>✓</i> N. Lit. 4. School now attended. Lit. School now attended. Lit. 5.  6.  7.  8. Yes <i>✓</i> No. <i>M768</i> Yes <i>✓</i> No <i>✓</i> Yes <i>✓</i> No <i>✓</i> 9. Employed. Employ. cert. No. Employ. cert. No. Employ. cert. No. 10. Deceased. Month. Day. Year. Deceased. Month. Day. Year. Deceased. Month. Day. Year.</p>									

(OVER)

[New York City Form 24 (reverse). See p. 71.]  
WHEN AND BY WHOM AMENDED—IMMIGRANTS.

Bureau of Attendance.

Department of Education.

Date can- vassed.	Block No.	Name of person interviewed at home.	Shield No.	Name of officer.	Remarks.
4/27/16	676254	Mother.	42	R. C. Wright.	

3.

Permanent Census Board.

[New York City Form 25. See p. 71.]

EMPLOYMENT RECORD.

The City of New York.

Number.	Street.	Floor.	Number.	Street.	Floor.	Number.	Street.	Floor.
543	Main St.		4					
<p><i>Jones, John.</i>            1. Child—Last name of. Given name. Grade. <i>7A</i></p>								
First position.		Second position.			Third position.			
<i>J. P. Smith Co.</i>		<i>R. W. Brown Co.</i>						
Employer.		Employer.			Employer.			
<i>Johnson &amp; West St.</i>		<i>Pearl &amp; Front St.</i>			Employer.			
Place of business.		Place of business.			Place of business.			
<i>Clerk, mail order house.</i>		<i>Clerk, statistical office.</i>			Place of business.			
Occupation.		Occupation.			Occupation.			
<i>5/16/15</i>		<i>9/19/15.</i>						
Date taken—Date given up.		Date taken—Date given up.			Date taken—Date given up.			
<i>Advertisement.</i>					Date taken—Date given up.			
How obtained.					Date taken—Date given up.			
<i>Didn't like work.</i>					Date taken—Date given up.			
Why given up.					Date taken—Date given up.			
Paid Mo. Da. Piece					Date taken—Date given up.			
by Wkly Hr. work.					Date taken—Date given up.			
<i>\$5.00.</i>					Date taken—Date given up.			
Average weekly wages.					Date taken—Date given up.			
<i>Two weeks.</i>					Date taken—Date given up.			
Time idle at this position.					Date taken—Date given up.			
<i>None.</i>					Date taken—Date given up.			
What chance for promotion.					Date taken—Date given up.			

School

[New York City Form 25 (reverse). See p. 71.]

EMPLOYMENT RECORD.

The City of New York.

Date canvassed.	Time or block No.	Name of officer.	Sixth position.	Seventh position.	Eighth position.
<i>4/29/16</i>	<i>1.05</i>	<i>L. W. White</i>	Employer. Place of business. Occupation. Date taken—Date given up.	Employer. Place of business. Occupation. Date taken—Date given up.	Employer. Place of business. Occupation. Date taken—Date given up.



### Permanent Census Board.

*JAMES BROWN,*  
*Enumerator.*

[New York City Form 27. See p. 71.]

Department of Education.

Bureau of Attendance.

## PATROLMAN'S REPORT ON FAMILY'S CHANGE OF RESIDENCE.

Number.	Street.	Floor.	Apt. No.
Place from which removed, 17.....	W. 11th.....	3	302
Place to which removed, 25.....	E. 17th.....	5	517

Family name of father or mother.	Given name.	Number children under 16.	Given names of children.
Schultz.....	Sara.....	3	Henry, Mary, Frederick.

The foregoing information was obtained at the first address /.....

" " " " " " " " second address.....

Precinct.	Mo. da. yr.	Shield No.	Patrolman's signature.
5	3/7/15	317	Michael Doyle.

[New York City Form 28. See p. 75.]

(A copy of this form is sent daily to the compulsory attendance department.)

DEPARTMENT OF HEALTH,  
THE CITY OF NEW YORK.

TO THE COMMISSIONER OF LABOR.

SIR: In compliance with the requirements of the labor law you are hereby notified that the department of health has issued the following employment certificates during the month of April 1916.

Borough of Manhattan.

No. of certificate.	Date of issue.		Names.	Residence.		School record.	Issued by public school.	Date of birth.
	Month.	Day.		No.	Street.			
			Grade.					
M 4968	Apr.	1	Brown, Harold.....	11	Maple.....	19	Bk.	July 21/'01.
M 4969	"	"	Jones, Mary.....	22	Birch.....	39		Apr. 14/'00.
M 4970	"	"	Smith, John.....	33	Elm.....	16	89	Nov. 30/'00.
M 4971	"	"	White, Dora.....	44	Evergreen.....	87		Feb. 16/'02.
M 4972	"	"	Block, Max.....	55	Poplar.....	1	77	Feb. 28/'01.
M 4973	"	"	Green, Nora.....	66	Spruce.....	90		Oct. 4/'01.
M 4974	"	"	Holstein, Celia.....	77	Walnut.....		Par.	Nov. 9/'00.
M 4975	"	"	Levsky, Ella.....	88	Pine.....	62		Jan. 10/'02.
M 4976	"	"	Murphy, Louis.....	99	Willow.....		Par.	May 7/'01.
M 4977	"	"	Steinhaus, Rachel.....	187	Hickory.....	62		Sept. 28/'00.
M 4978	"	"	Paratin, Anna.....	298	Redwood.....	56		Dec. 29/'01.

## [New York City Form 29. See p. 75.]

DEPARTMENT OF EDUCATION—NOTICE TO DISCHARGE ON ISSUANCE OF EMPLOYMENT CERTIFICATE.

1.	27	Bx	4-13-16	7594
	School in which registered.	Boro.	Mo. Da. Yr.	Employ. cert. number.
2.	Newton.	Nelly.		9-12-01
	Family name of child.	Given name.	Born	Mo. Da. Yr.
3.	483	Jackson.	3	Man.
	Number.	Street.	Floor.	Boro.
4.	7a	3579		47
	Class or grade.	Investigation number.		Discharge number.
5.	White & Co.			Tailor.
	Name of employer.			Nature of business.
6.	57 Washington St.			
	Place of business.			
7.	Sewing.			\$4.25
	Nature of employee's work or position.			Wages.

Original

1

Original

## [New York City Form 30. See p. 76.]

Department of Education. Original. Bureau of Attendance.  
 NOTICE OF REFUSAL OF EMPLOYMENT CERTIFICATE BY DEPARTMENT OF HEALTH.

Brown.	Samuel.	Born—	2	10	01	1	
Family name of child.	Given name.	Month.	Day.	Year.	Boy.	Girl.	
		Joseph.			Mary.		
Family name of parent or guardian.	Father's given name.				Mother's.		
16-18.	Park.						
Number.	Street.	Front.	Rear.	Floor.	Apt. No.		
Cause of refusal.							
Phys. inc. 10147.							
Officer's report, Attending Johnson High.							
5th term.							
4/24/16 p. m.	4/25/16 2.10.	4/25/16.					
4/26/16 9 a. m.							
Disposition	Family unbroken.						

Date received.

Date referred.

Date reported.

## [New York City Form 31. See p. 76.]

Name, John Brown. Age 14. Yrs. 3. Mos.  
 Address, 12 E. 9th St. School, 17. Grade, 7 A.

Refused.	Height.	Weight.	Cause of refusal.	Med. insp.
May 4, '15.....	5 ft. 5 in.....	90	Cardiac.....	Brice.
Revisits.....				

Granted.

No. of certificate.

PHYSICAL INCAPACITY CARD.



[New York City Form 32. See p. 76.]

DEPARTMENT OF HEALTH, CITY OF NEW YORK,  
BUREAU OF CHILD HYGIENE, DIVISION OF EMPLOYMENT CERTIFICATES,  
Borough of *Manhattan*,  
NEW YORK, *April 24, 1916.*

To the Borough Chief.

SIR: I have the honor to submit the following report in relation to the issuance of employment certificates during the week ending *April 22, 1916.*

## Summary of action taken on employment certificates.

Applications pending beginning of week .....	125	
New applications received .....	113	
Employment certificates granted .....	126	238
Employment certificates refused .....	18	
Applications made pending .....	94	
Duplicates .....		238
		19

## Employment certificates refused.

Insufficient tuition .....		
Insufficient education .....		
Under age .....	2	
Over age .....	3	
Physical incapacity .....	13	
Malnutrition .....	3	18
Cardiac .....	1	
Pulmonary .....		
Miscellaneous .....	9	

## Applications temporarily withheld.

Number previously withheld .....	80	
New cases .....	9	
Certificates granted .....	21	89
Cases otherwise terminated .....	9	
Cases now pending .....	59	
		89

## Physical examinations.

Number examined .....		101
Defective teeth only .....		9
Defective associated .....		107
Defective vision .....	28	
Acute eye diseases .....	0	
Defective hearing .....	2	
Teeth .....	25	
Cardiac .....	1	
Pulmonary .....	0	
Mouth breathing .....	7	
Hypertrophied tonsils .....	13	
Palate .....	0	
Glands .....	24	
Anemia .....	1	
Malnutrition .....	3	
Hernia .....	0	
Nervous diseases .....	0	
Skin .....	0	
Goitre .....	2	
Orthopedic .....	1	
		107

Respectfully submitted.

JOHN J. O'BRIEN,  
Issuing officer  
KATHERINE E. MARYSON,  
Medical examiner.

No. 76.

[Buffalo Form 1. See p. 28.]

DEPARTMENT OF HEALTH, BUFFALO—APPLICATION FOR EMPLOYMENT CERTIFICATE OF CHILD BETWEEN THE AGES OF 14 AND 16 YEARS IN MANUFACTURING, MERCANTILE, AND OTHER ESTABLISHMENTS.

Germany.

To the Department of Health, Buffalo, N. Y.

Application is hereby made for an employment certificate for *Elsie Samuels*.

Signature of child.

*PAULINE SAMUELS*,  
Signature of parent or guardian or custodian.  
Address, *346 Davey St.*

School record of *Elsie Samuels*.

According to the laws of 1903 the principal or chief executive officer of the school which such child attended shall furnish, on demand, a certificate containing the following facts:

To the Department of Health of the City of Buffalo, N. Y.

GENTLEMEN: I, the undersigned, the principal (or chief executive officer) of the public school No. 43, situated at No. *Lovejoy & Gold St.*, in the city of Buffalo, do hereby certify that *Elsie Samuels*, the child hereinafter referred to, has regularly attended the said school *one hundred and eighty-eight* days (Write the number of days.)

during the twelve months next preceeding its fourteenth birthday (or next preceeding its application for this school record); and that said child is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English language and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions, and has completed the work of the first six years of the public elementary school or school equivalent thereto or parochial school from which such school record is issued.

The said school record gives the date of birth of said child as *July 16, 1899*, residence, *346 Davey St.*; and the name of its parents (guardian or custodian) as *Herman Samuels*.

*FREDERICK W. FROST*,  
Principal or chief executive officer of the school.

Dated, *June 25*.

(The law requires the school record to be signed by the principal or chief executive officer of the school and it must be furnished to any child who, after due examination and investigation, may be entitled thereto. The school record must contain, among other things, a statement certifying that the child has regularly attended the public schools or schools equivalent thereto, or parochial schools, for not less than 130 days during the twelve months next preceeding its fourteenth birthday, or during the twelve months next preceeding its application for this school record.)

(OVER)

[On the left margin:]

This is not a child-labor certificate and must not be accepted as such.

[Buffalo Form 1 (reverse). See p. 28.]

Filing No. *2443*.Date, *9/3/14*.

I hereby certify that the within-named applicant personally appeared before me on this date, was examined, and complied with all legal requirements, and is entitled to an employment certificate.

*J. D. BALDWIN*,  
Officer issuing the certificate.

[On the right margin, running down:]

Section 384, 1, 5, of the Penal Code as amended by chapter 507, Laws of 1907.

Any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles 6 and 11 of the labor law to appear in any affidavit, record, transcript, or certificate therein provided for, is guilty of a misdemeanor, and upon conviction shall be punished for a first offense by a fine of not less than 20 nor more than 50 dollars; for a second offense, by a fine not less than 50 nor more than 200 dollars, or by imprisonment for not more than 30 days or by both such fine and imprisonment; for a third offense by a fine of not less than 250 dollars, or by imprisonment for not more than 60 days, or by both such fine and imprisonment.

[Buffalo Form 2. See p. 28.]

No. 85.

STATE OF NEW YORK, COUNTY OF ERIE, CITY OF BUFFALO, ss:

*Rose Jackson*, being duly sworn, deposes and says that *she* is the mother of *John Jackson*, the child for whom an employment certificate is desired; that the said child was born in *Rochester, N. Y.*, on the *3d* day of *Aug., 1899*; but that it is impossible to produce any of the documentary evidence relative to the age of this child, as required by subdivision two of section 71, and section 163, chapter 518, laws of 1905, for the following reasons: *Birth is not recorded. (See letter.) Has no diploma and has not been baptized. Metropolitan Life Insurance Policy No. 33098, dated June 10, 1909, gives child's age at next birthday as 10 years,* and this affidavit is, therefore, made in accordance with subdivision three of said section.

Subscribed and sworn to before me this *3rd* day of *Sept., 1914*.

ROSE JACKSON.

J. C. LYNCH.

To the Board of Health of Buffalo, N. Y.:

I hereby certify that I have investigated and examined all the facts and evidence submitted relative to the application of *John Jackson* for an employment certificate, and am satisfied that said child is entitled to such certificate, and, therefore, recommend that a certificate be granted.

J. C. LYNCH.

At a meeting of the Board of Health of Buffalo, N. Y., held on the *7th* day of *Sept., 1914*, the following action was taken on the above application of *Rose Jackson* for employment certificate for *John Jackson*.  
*Certificate granted.*

AUGUST SAWYER,  
Secretary Board of Health.

[Buffalo Form 3. See p. 28.]

DEPARTMENT OF HEALTH,  
THE CITY OF BUFFALO, N. Y.

APPLICATION FOR EMPLOYMENT CERTIFICATE AND FOR PHYSICIANS' CERTIFICATE OF AGE.

BUFFALO, N. Y., *Aug. 1, 1914*.

To the Department of Health, City of Buffalo, N. Y.

GENTLEMEN:

I, the undersigned, hereby make application for an employment certificate under the provisions of the labor law of the State of New York, to be issued to and in the name of *John Jardine*, the child of which I am the mother, and who resides at *9 E. Balcom Street*, in the City of Buffalo, N. Y.; and I hereby further make application for physicians' certificates.

JOHN JARDINE,  
Signature of child.

ROSE JARDINE,  
Signature of parent.

AFFIDAVIT.

STATE OF NEW YORK, CITY OF BUFFALO, COUNTY OF ERIE, ss:

*Rose Jardine*, being duly sworn, deposes and says:

That *she* is the applicant above named and resides at No. *9 E. Balcom Street*, in the City of Buffalo, N. Y.

Deponent is the parent mother of the child above named.

Deponent further says that the said child is *14* years of age; that he was born at *Amiens, France*, on the *16th* day of *July, 1900*, and that the present residence of said child is *9 E. Balcom St.*, Buffalo, N. Y.

This deponent, your petitioner for physicians' certificates, also alleges that *she* is unable to produce any of the evidence of age of said child above mentioned, specified in sections 71 and 163 of the labor law of the State of New York, namely:

- (a) Birth certificate;
- (b) Certificate of graduation;
- (c) Passport or baptismal certificate;
- (d) Other documentary evidence.

That the following facts are presented for the consideration of the officer to whom application is made for the issuance of an employment certificate, to assist in determining the age of said child, namely, *birth is not recorded. (See letter.) Has no diploma and has not been baptized; is not insured, and has no documentary evidence of any sort.*

[Buffalo Form 3 (reverse). See p. 28.]

That the school record filed herewith is the school record of the child above named, and deponent asks for the issuance of physicians' certificates on which, together with the said school record, an employment certificate may be issued in accordance with the labor law of the State of New York.

ROSE JARDINE.

Sworn to before me this *1st* day of *Aug., 1914*.

J. C. LYNCH,  
Signature of officer issuing certificate.

I hereby certify that the child above named was produced before me and is apparently at least fourteen years of age, and I hereby receive the foregoing application for physicians' certificates and file the same this date.

Dated Buffalo, N. Y., *Aug. 1, 1914*.

J. C. LYNCH.

Not less than ninety days having elapsed since the date of the filing of this application for physicians' certificates, and no facts appearing within such period nor after an examination of the statements contained in said application tending to discredit or contradict any material statement of such application,



I hereby direct the child named in said application to appear for physical examination before two physicians designated by the department of health.

Dated Buffalo, N. Y., Nov. 1, 1914.

J. C. LYNCH.

We, D. V. McClure, M. D., and J. A. Wahlz, M. D., physicians officially designated by the department of health, hereby certify that John Jardine, the child named in the within application, appeared this day before us for physical examination; and we hereby severally further certify that we have separately examined such child, and that in our opinion, the said child is at least fourteen years of age.

D. V. McCLURE, M. D.  
J. A. WAHLZ M. D.

(In case the opinions of such physicians do not concur, the child shall be examined by a third physician, and the concurring opinion shall be conclusive for the purpose of the law as to the age of the child.)

[Along right margin, below printed matter:]

Application No. 2003.

PHYSICIANS' CERTIFICATE.

[Buffalo Form 4. See p. 32.]

TRANSCRIPT OF LABOR CERTIFICATE.

No. of transcript, 1000.

BUFFALO, N. Y., Nov. 12, 1914.

No. of employment certificate .....

Fee, \$1.00.

STATE OF NEW YORK, COUNTY OF ERIE, CITY OF BUFFALO, SS.

Florence Price being duly sworn deposes and says that she is the mother of Rose Price; that said child had an employment certificate; that according to my information and belief, said employment certificate was destroyed in the following manner:

Placed in the bottom of clothes basket and was put in water.

Subscribed and sworn to before me this 12th day of Nov., 1915.

J. LYNCH,  
Officer issuing certificate.

[To right of stub:]

Fee, \$1.00.

TRANSCRIPT OF LABOR CERTIFICATE, DEPARTMENT OF HEALTH, BUFFALO, N. Y.

Nov. 12, 1914.

No. of transcript, 1000.

I HEREBY CERTIFY that the following is a true copy of the record of child labor certificate on file in the department of health of the city of Buffalo, N. Y., the original having been destroyed as per sworn statement filed this day.

FRANCIS E. FRONZAK, M. D.,  
Health Commissioner.

Attest:

This certificate is effective throughout the State and until the owner is 16 years of age unless sooner revoked.

No.

EMPLOYMENT CERTIFICATE.

Issued pursuant to sections 71 and 163 of the labor law of the State of New York, chapter 36, Laws of 1909, as amended.

The department of health of Buffalo, N. Y., upon application duly made pursuant to law, grants this certificate to

Rose Price.  
(Name of child.)

and it is hereby certified that this child, who is described below, personally appeared before the undersigned official and was by him examined and found qualified for employment under the labor law; it is further certified that documentary evidence of the age and education of said child, as required by law, has been duly examined, approved, and made a part of the records of the above department, and that by careful examination the physical fitness of the said child has been determined by the medical examiner of the above department and that such physical examination has been recorded as required by law.

Description of child.

Place of birth, Buffalo, N. Y.  
Color of hair, Black.  
Height, 5 feet 2 inches.  
Distinguishing facial marks, Large mole.

Date of birth, Mar. 5, 1899.  
Color of eyes, Brown.  
Weight, 98.

ROSE PRICE,  
Signature of child named in the above certificate.

THE HEALTH COMMISSIONER,  
By J. LYNCH,  
Signature of official issuing certificate.  
Date Feb. 6, 1914.

N. B.—This certificate must be filed with the employer, and must be kept on file in the office at the place of employment during the period of such employment. It shall be surrendered to the child, its parent, guardian, or custodian upon the termination of the child's employment.

(OVER)

.....  
[Perforated.]  
.....

## [Buffalo Form 4 (reverse). See p. 32.]

## IMPORTANT.

## NOTICE TO EMPLOYERS.

FACTORIES: In factories the child presenting this certificate shall not be permitted to work before 8 o'clock in the morning or after 5 o'clock in the afternoon, or for more than 8 hours in any one day or more than six days in any one week. (Section 77, Labor Law.)

Special attention is called to occupations at which children can not be employed, enumerated in section 93, Labor Law.

MERCANTILE ESTABLISHMENTS: In mercantile establishments the child presenting this certificate shall not be permitted to work before 8 o'clock in the morning or after 6 o'clock in the evening, or for more than 8 hours in any one day or more than six days in any one week. (Section 161, Labor Law.)

## [Buffalo Form 5. See p. 71.]

Precinct.

## BUFFALO SCHOOL CENSUS.

Block.

Name, *Mary Kelley.* Sex, *Female.*  
 Month, day, and year of birth, *Mch. 15, 1902.* Address, *4 Prospect St.*  
 Birthplace, *Buffalo.* School, *No. 7.*  
 Defects, ..... Color, *White.*

Employed? *No.* Employer's name, .....

Labor cert.? .....

How many years working? .....

Can read and write English? *Yes.*Patrolman's shield No. *17.*

Leave this  
space blank.

Parent.

Name, *James Kelley.*Birthplace, *Ireland.*Years in U. S., *20.* Native language, *English.*

## [Buffalo Form 6. See p. 72.]

Precinct, *5.*

## BUFFALO SCHOOL CENSUS.

Name, <i>Mary Kelley.</i>		Sex, <i>Female.</i> Color, <i>White.</i>	Parent's name, <i>James Kelley.</i>		
			Where born, <i>Ireland.</i> Years in U. S., <i>20.</i>		
Address, <i>4 Prospect St.</i>	School, <i>No. 7.</i>	Block, <i>94.</i>	Month, day, and year of birth, <i>Mch. 15, 1902.</i>	Where born, <i>Buffalo.</i>	Years in U. S. .....
Employer's name.		Employer's address.		Physical or mental defects, ..... Read or write English, <i>Yes.</i> Other, <i>No.</i>	
				Truant report.	Remarks.
Labor cert.	Enumerator, Shield No. <i>W. Brown. 17</i>				

## [Buffalo Form 7. See p. 72.]

## BUFFALO SCHOOL CENSUS.

I have this *4th* day of *June* 1915, moved *Thomas Ryan* from *27 Williams Avenue* to *43 Highland Avenue Street.*

By order of  
*F. F. KLINCK,*  
*J. B. WALL,*  
 Police Commissioners.  
*M. REGAN,*  
 Supt. of Police.

*JOHN L. BOWERS,*  
Owner.

## [Buffalo Form 8. See p. 72.]

## BUFFALO SCHOOL CENSUS.

Name, *Jane Brown.* School, *7.*  
 Age, *14.* Address, *14 Prospect St.*  
 Parent's name, *James Brown.*  
 Remarks, .....  
 Date, .....

## [Buffalo Form 9 (postal card). See p. 76.]

School No. *3.*Date, *April 15, 1915.*

The following person has been furnished to-day with attendance papers for the purpose of securing labor certificate:

Name, *Walter J. Blake.*Address, *3 Dustin Place.*Age, *14.* Day, month, and year of birth, *April 3, 1901.*Parent's name, *Samuel K. Blake.*

Remarks, .....

Grade, .....

*CORNELIUS PEAESON,*  
Principal.

## [Buffalo Form 10. See p. 76.]

## BUFFALO SCHOOL CENSUS—CHILD-LABOR CERTIFICATE REPORT.

The following certificates were issued by the board of health during the week ending *June 7 1915.*

Child's name.	Address.	Age.	School.	Cert. No.
<i>Sarah Green.....</i>	<i>5 White St.....</i>	<i>14</i>	<i>No. 16.....</i>	<i>703</i>
<i>Charles Fowler.....</i>	<i>375 River St.....</i>	<i>15</i>	<i>" 3.....</i>	<i>704</i>
<i>Louis Poiriel.....</i>	<i>9 Riverside Ave.....</i>	<i>14</i>	<i>" 11.....</i>	<i>705</i>

Signed *WILLIAM B. DRAKE.*

## [Rochester Form 1. See p. 41.]

## OFFICE OF THE BOARD OF HEALTH.

STATE OF NEW YORK, COUNTY OF MONROE, CITY OF ROCHESTER, SS.

*Mary Welch*, being duly sworn, says that she is the ~~father, mother, guardian, duly appointed person~~ having legal custody and control of *Fred Welch*, an infant; that said infant is aged *14* years; was born at *Rochester*, in the State of *New York*, on the *22* day of *October*, *1899*.

That deponent makes this affidavit for the purposes mentioned in section 2 of chapter 409 of the Laws of 1886, as amended by chapter 991 of the Laws of 1896, and section 3 of chapter 384 of the Laws of 1896, regulating the employment of women and children in manufacturing and mercantile establishments.

*MARY WELCH.*

Subscribed and sworn to this *17* day of *June* *1900*, before me.

*FLORENCE WEIS,*  
Commissioner of Deeds.

Extract from chapter 384 of Laws of 1896.

"It shall be unlawful for any notary public or other officer authorized and empowered by law to administer to any person an oath, to demand or receive a fee for taking or administering an oath, to a parent of, guardian of, or person in parental relation to any child as to the age of such child, where the affidavit thus taken is used or intended to be used for the purpose of obtaining a certificate as provided for in the foregoing section, from any board or department of health or health commissioner or commissioners as herein set forth."

[Stamped across face:]

This to certify that this child is 14 years of age or more.

46446°—17—11

Leave this space blank.



[Rochester Form 2. See p. 72.]

(5).....	Street.	No.	Date, Nov. 6, 1915.	In 4 N 15.
(4).....			Street.	No.
(3).....			(9).....	
(2).....			(8).....	
(1) <i>Arlington Place</i> .....		15	(7).....	
			(6).....	

Child's name, <i>Annie L. Bray.</i>				Boy. <input type="checkbox"/> White. <input type="checkbox"/> Girl. <input checked="" type="checkbox"/> Negro. <input type="checkbox"/> Yellow. <input type="checkbox"/>		Occupation. <i>Milliner's assistant.</i>			
Age last birthday, <i>14</i>	Born, month. <i>Sept.</i>	Day. <i>7</i>	Year. <i>1901</i>	Born in <i>Rochester.</i>	Years in U. S. <i>✓</i>	School.	Grade.	School.	Grade.
Age proven by	Birth cert. <i>✓</i>	Bapt. cert.	Pass-port.	Bible.	Other document (state kind).	1.....		2.....	
Parent or guardian, <i>Frank Bray.</i>			Born in, <i>Salem, Mass.</i>			5.....		6.....	
			Years in U. S. <i>✓</i>			7.....		8.....	
Physically			Out of school.			9.....		10.....	
Mentally unable to attend until— <i>✓</i>			<i>191</i>			11.....		12.....	
Cause, <i>✓</i>			Doctor, <i>✓</i>			13.....		14.....	
If working, reason for leaving school. <i>Economic need.</i>			Work cert. <i>714</i>			15.....		16.....	
Left school in the month of <i>Sept., 1915.</i>			Trade desired, <i>Milliner.</i>			17.....		18.....	
Remarks						19.....		20.....	
Information from father—mother.			Form 13.	Precinct No. <i>13.</i>	Shield No. <i>45.</i>				

[On the left margin:]

School Census Board, Rochester, N. Y.

[Rochester Form 2 (reverse). See p. 72.]

FOR ALL POSITIONS WHICH THE CHILD HAS HELD.

[illegible]

## [Rochester Form 3. See p. 73.]

No. 23.

SCHOOL CENSUS BOARD.

Jan. 13, 1916.

Boy.	In
7	n

Wallace B. Scaggs.

Nov. 7, '01. Girl.

Name.	Born Mo.	Day.	Year.
14 White St.			

Address.	Left Peabody School at the	6	Grade.
Horace L. Scaggs.			

Parent's name.	Home	Unlawful	No.
Not attending.	N. W. C.	absence.	W. C.
		White & Co.	

	Employed by	
5 Wingate Lane.	Messenger.	Doyle.

Employer's address.	Kind of work of child.	Reported to
Working without certificate.		

Remarks.
Required to obtain certificate.

Disposition.	Signed	ALLEN ROWLEY.
--------------	--------	---------------

## [Rochester Form 4 (postal card). See p. 77.]

No. 3.

REPORT ON CHANGE OF ADDRESS WITHIN DISTRICT AND ISSUING SCHOOL RECORD.

ROCHESTER, N. Y., Jan. 15, 1915.

School No. 17. Grade, 7. Teacher, Mary Tompkins.

Name, Susan Kennedy.

New address.

Former address.

Date of birth, February 16, 1900.

Month. Day. Year.

Date school record issued, Jan. 12, 1915.

Pupil will (will not) remain in school.

N. B.—Send permanent record card to efficiency bureau if pupil obtaining school record leaves school.

## [Utica Form 1. See p. 30.]

DEPARTMENT OF PUBLIC SAFETY,  
CITY OF UTICA, N. Y.,  
BUREAU OF HEALTH.

APPLICATION FOR EMPLOYMENT CERTIFICATE, MANUFACTURING, MERCANTILE, AND OTHER ESTABLISHMENTS

To the Health Officer, City of Utica.

Application is hereby made for an employment certificate for

Mary Evans.

Address, 80 Canal St.

MARY EVANS.  
Signature of child.

LENA EVANS,  
Signature of parent, guardian, or custodian.  
Address, 80 Canal St.

AFFIDAVIT.

STATE OF NEW YORK, ONEIDA COUNTY, ss.

Lena Evans, being duly sworn, says that she is father, mother, guardian of Mary Evans; that the said Mary Evans was born at Cadasia, N. Y., on the 20th day of February, 1898, and that she is 14 years of age.

LENA EVANS.

Sworn to before me this 18th day of June, 1912.

CHAS. L. PRINGLE,  
Commissioner of Deeds in and for the City of Utica, N. Y.  
[OVER]

## [Utica Form 1 (reverse). See p. 30.]

STATEMENT OF OFFICER ISSUING THIS CERTIFICATE.

I hereby certify:

1. That the following papers relating to the above-named child have been filed in this office.

(a) Its school record filled out and signed as required by law.

(b) Affidavit (its passport or a transcript of its birth certificate or baptismal certificate or a religious record showing its date and place of birth.)

(c) Affidavit of the parent, guardian, or custodian of the child, showing the place and date of its birth.

That said child has appeared before me and has been examined.

CHAS. L. PRINGLE,  
Signature of officer issuing the certificate.

[Albany Form 1. See p. 62.]

OFFICE OF THE  
SUPERINTENDENT OF PUBLIC SCHOOLS,  
ALBANY, N. Y., April 1, 1914.To *George W. Barrows,*  
25 So. Main St.

Your attention is respectfully called to the following extract from the act of the Legislature of the State of New York, entitled "An act to provide for the compulsory education of children," passed May 12, 1894, as amended by chapter 140 of the Laws of 1910.

## EXTRACT FROM THE LAW.

§ 626. Unlawful employment of children and penalty therefor. It shall be unlawful for any person, firm, or corporation:

1. To employ<sup>1</sup> any child under 14 years of age, in any business or service whatever, for any part of the term during which the public schools of the district or city in which the child resides are in session.

2. To employ, elsewhere than in a city of the first class or a city of the second class, in a factory or mercantile establishment, business or telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, any child between 14 and 16 years of age who does not at the time of such employment present an employment certificate duly issued under the provisions of the labor law, or to employ any such child in any other capacity who does not at the time of such employment present a school-record certificate as provided in section 630 of this chapter.

3. To employ any child between 14 and 16 years of age in a city of the first class or a city of the second class who does not, at the time of such employment, present an employment certificate, duly issued under the provisions of the labor law.

§ 627. Employer must display record certificate and evening certificate. The employer of any child between 14 and 16 years of age in a city of the first class or a city of the second class shall keep and shall display in the place where such child is employed, the employment certificate and also his evening school certificate issued by the school authorities of said city or by an authorized representative of such school authorities, certifying that the said boy is regularly in attendance at an evening school of said city as provided in section 631 of this chapter.

§ 628. Punishment for unlawful employment of children. Any person, firm, or corporation, or any officer, manager, superintendent or employee acting therefor, who shall employ any child contrary to the provisions of section 626 hereof, shall be guilty of a misdemeanor, and the punishment therefor shall be for the first offense a fine of not less than \$20 nor more than \$50; for a second and each subsequent offense, a fine of not less than \$50 nor more than \$200.

Please record the names of all children between the ages of fourteen and sixteen years, employed in your establishment, on this paper, and mail the same to

C. EDWARD JONES,  
Superintendent of Public Schools, Albany, N. Y.<sup>1</sup> So in original.

Name.	Age.	Residence.	Employment certificate (yes or no).
<i>Sarah Graham</i> .....	15	10 North Ave. ....	Yes.
<i>James Brewster</i> .....	14½	131 Auburn St. ....	Yes.
<i>Herman Schultz</i> .....	15½	77 Arlington St. ....	Yes.
.....			

Respectfully submitted.

(Sign here)

GEORGE W. BARROWS.

[Albany Form 1 (reverse). See p. 62.]

Children employed

By

.....  
 ..... 191..  
 .....

[Albany Form 2 (postal card). See p. 62.]

Evening School No. 5.

ALBANY, N. Y., Jan. 26, 1915

*Herman Schultz*, reported as being in your employment, was absent from school last night.  
 Your cooperation in the administration of the compulsory law relative to attendance at evening school is earnestly desired.

C. EDWARD JONES,  
Supt. Schools.  
W. JONES,  
Principal Evening School No. 5.

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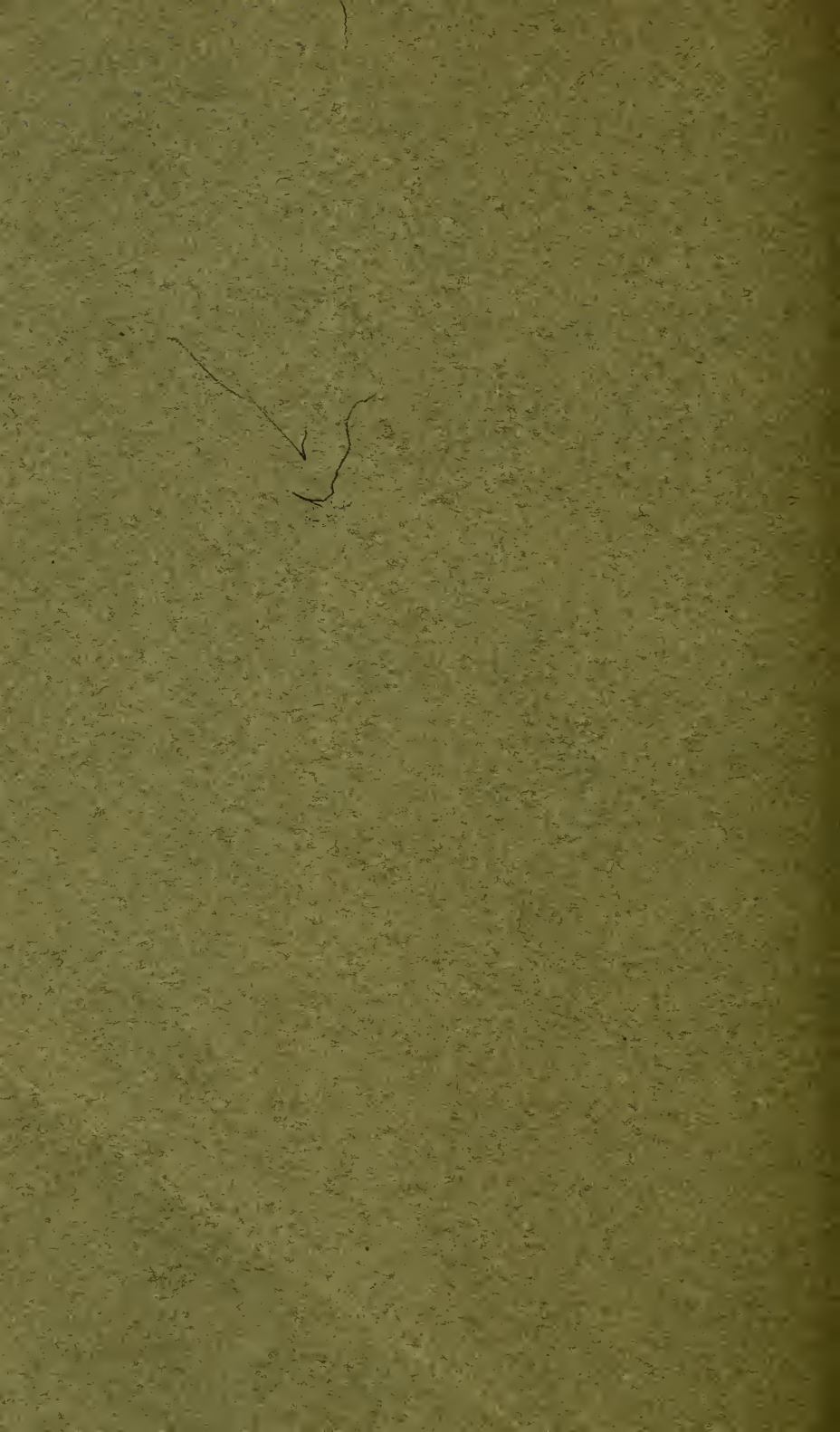
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*(Continued from second page of cover.)*

**Miscellaneous Series:**

- No. 1. The Children's Bureau: A circular containing the text of the law establishing the bureau and a brief outline of the plans for immediate work. 5 pp. 1912. Bureau publication No. 1. (Out of print.)
- No. 2. Birth Registration: An aid in protecting the lives and rights of children. 20 pp. 3d ed. 1914. Bureau publication No. 2.
- No. 3. Handbook of Federal Statistics of Children: Number of children in the United States, with their sex, age, race, nativity, parentage, and geographic distribution. 106 pp. 2d ed. 1914. Bureau publication No. 5.
- No. 4. Child-Welfare Exhibits: Types and preparation, by Anna Louise Strong. 58 pp. and 15 pp. illus. 1915. Bureau publication No. 14.
- No. 5. Baby-Week Campaigns: Suggestions for communities of various sizes. 64 pp. 1915. Bureau publication No. 15.
- No. 6. Maternal Mortality from all Conditions connected with Childbirth in the United States and Certain other Countries, by Grace L. Meigs, M. D. 66 pp. 1917. Bureau publication No. 19.
- No. 7. Summary of Child-Welfare Laws Passed in 1916. Bureau publication No. 21. (In press.)
- No. 8. Facilities for Children's Play in the District of Columbia. Bureau publication No. 22. (In press.)
- No. 9. How to Conduct a Children's Health Conference, by Frances Sage Bradley, M. D., and Florence Brown Sherbon, M. D. Bureau publication No. 23. (In press.)









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